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DECEMBER

THE Current Indian Statutes

— 101 —

[Founder :—LATE SHRI ANAND MOHAN SURI]

Monthly Journal

58

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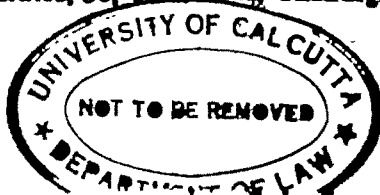


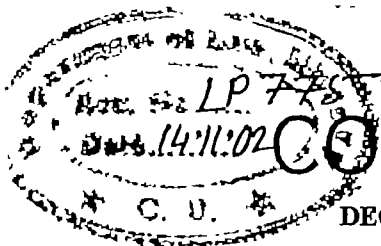
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&
ANNUAL GENERAL INDEX

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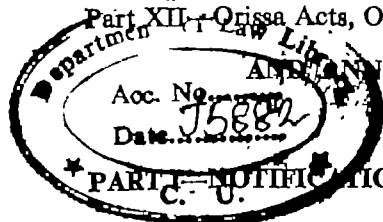
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Dear subscriber,

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We are thankful to you for your kind continued patronage. We have all along been trying to publish Acts and Notifications as early as possible so that they be of use to you immediately. We are happy to inform you that during 1991 all Acts, Notifications have been published.

Due to fault at various ends, some times, parts do not reach you or are delivered late or are misdirected. We feel perturbed over all this. However, we want to rectify this.

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Please return to us the following form duly filled, in case any part had reached you so that we may send you all your requirements immediately. Help us, so that we may be of service to you.

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Reserve Bank of India, from time to time in this regard. Repayment of both interest and principal of such loans shall be either from the interest earned on the FEBs or maturity proceeds or both of the FEBs or by fresh foreign currency remittances from abroad or from balances in Foreign Currency Non-Residents Accounts or Non-Resident External Accounts.

16. **Maximum purchase.**—Any number of FEBs may be purchased by NRIs or OCCs or banks acting in fiduciary capacity on behalf of NRIs or OCBs or both.

17. **Mode of subscription.**—Subscriptions for the FEBs may be made in Cash, Cheque, Bank draft, or Telegraphic Transfer remittances denominated in US dollars. Funds held in Non-Resident External (Rupee) Account, or Foreign Currency Non-Resident Account maintained in India may also be used after conversion into US dollars. Full amount of the FEBs applied for shall be payable on application.

18. **Application and allotment.**—(1) Applications by NRIs or OCBs or banks acting in fiduciary capacity on behalf of NRIs or OCBs or both, shall be made—

(i) in the form as may be prescribed by the Reserve Bank of India, in accordance with the instructions contained in the said form. Provided that if the said form is not available, a photocopy of the aforesaid form may be used :

(ii) in multiples of US Dollars 500 only.

(2) An applicant may submit any number of applications during the period the issue remains open.

(3) Where an application is made on behalf of an individual in terms of Power of Attorney, the relevant Power of Attorney or a duly certified copy thereof shall be attached to the application form.

(4) Applications submitted by banks acting in fiduciary capacity on behalf of NRIs or OCBs or both shall be accompanied by a certificate, as may be prescribed by the Reserve Bank of India, confirming the bank's status and eligibility for applying for FEBs.

(5) Applications submitted by OCBs shall be accompanied by a certificate, as may be prescribed by the Reserve Bank of India, confirming their status and eligibility for applying for FEBs.

19. **Disposal of Applications and Application Money.**—(1) State Bank of India shall have the right to accept or reject any application without assigning any reason. If any application is not accepted, the whole of the application money received shall be refunded to the applicant within 15 days from the date of closure of the issue without any interest.

(2) FEBs shall be allotted within 60 days from the date of the closure of the issue, whereafter they shall be despatched by post to the applicant. In cases where applications are accepted and no allotments are made, refund cheques or pay orders, drawn in US Dollars payable at New York, shall be despatched by post to the applicant.

(3) Where an application has been made for joint holding, refund orders, if any, shall be issued in the name of the first applicant and all communications shall be addressed to the said applicant.

20. **General.**—The Reserve Bank of India shall, depending upon the difficulties arising out of the practices or enactments of the countries where the FEBs may be sold, shall have powers to make changes in the scheme not

inconsistent with the provisions of the Act.

Published in the Gazette of India, Extraordinary, Part II, Section 3(ii), dated 3rd October, 1991.

MINISTRY of INDUSTRY

No. G.S.R. 614 (E).—(dated 3rd October, 1991).—In exercise of the powers conferred by sub-section (1) of section 642 of the Companies Act, 1956, the Central Government hereby makes the following rules further to amend the Companies (Central Government's) General Rules and Forms, 1956, namely :—

1. (1) These rules may be called the Companies (Central Government's) General Rules and Forms (Second Amendment), 1991.

(2) They shall come into force on 1st November, 1991.

2. In the Companies (Central Government's) General Rules and Forms, 1956,—

(a) after rule 4C, the following rule shall be added, namely :—

"4CC. Section 56.—The salient features of prospectus for the purposes of sub-section (3) of section 56 shall be in Form 2A."

(b) in Annexure A, after Form 2, the following form shall be inserted, namely :—

"FORM 2A

Memorandum containing salient features of prospectus

[See section 56(3)]

1. General Information.

(a) Name and address of registered office of the company.

(b) Issue listed at: (name(s) of the stock exchanges).

(c) Opening, closing and earliest closing dates of the issue.

(d) Name and address of lead managers.

(e) Name and address of trustees under debenture trust deeds (in case of debenture/issue).

(f) Rating for the debenture/preference shares, if any, obtained from Crisil or any recognised rating agency.

II. Capital Structure of The Company

(a) Issued, subscribed and paid-up capital.

(b) Size of present issue giving separately reservation for preferential allotment to promoters and others.

(c) Paid-up capital.

(i) after the present issue,

(ii) after conversion of debentures (if applicable)

III. Terms of The Present Issue

(a) Authority for the issue, terms of payments and procedure and time schedule for allotment and issue of certificates.

(b) How to apply, availability of forms, pros-

pectus and mode of payment.

(c) Special tax benefits to company and shareholders under the Income-tax Act, if any.

IV. Particulars of Issue

(a) Objects of the issue.

(b) Project cost.

Means of financing (including contribution of promoters)

V. Company, Management And Project

(a) History, main objects and present business of the company.

(b) Background of promoters, managing director/whole-time director and names of nominees of institutions, if any, on the board of directors.

(c) Location of the project.

(b) Plant and machinery technology, process, etc.

(c) Collaboration, performance guarantee, if any, or assistance in marketing by the collaborators.

(f) Infrastructure facilities for raw materials utilities like water, electricity, etc.

(g) Schedule of implementation of the project and progress made so far, giving details of land acquisition, execution of civil works, installation of plant and machinery, trial production, date of commercial production, if any.

(h) The products—

(i) Nature of products (a)—consumer/industrial and end-users.

(ii) Existing, licensed and installed capacity of the product, demand of the product—existing, and estimated in the coming years as estimated by a Government authority or by any other reliable institution, giving source of the information.

(iii) Approach to marketing and proposed marketing set up.

In case of company providing services, relevant information in regard to nature/extent of services, etc., to be furnished.

(i) Future prospects—the expected year when the company would be able to earn net profits, declare dividend.

VI. Financial performance of the company for the last five years :—(Figures to be taken from the audited annual accounts in tabular form)

(a) Balance-sheet data ; equity capital, reserves (state revaluation reserve, the year of revaluation and its monetary effect of assets) and borrowings.

(b) Profit and loss data ; sales, gross profit, net

profit, dividend paid, if any.

(c) Any change in accounting policies during the last three years and their effect on the profits and the reserves of the company.

(d) Stock market quotation of shares/debentures of the company, if any (high/low price in each of the last three years and monthly high/low price during the last six months).

VII. Whether all payments/refunds, debentures, fixed deposits, interest on fixed deposits, debenture interest, institutional dues have been paid up to date. If not, details of the arrears, if any, to be stated.

VII. Following particulars in regard to the listed companies under the same management within the meaning of section 370(1B) which made any capital issue in the last three years

(a) Name of the company.

(b) Year of issue.

(c) Type of issue (public/rights/composite).

(d) Amount of issue.

(e) Date of closure of issue.

(f) Date of despatch of share/debenture certificate completed.

(g) Date of completion of the project, where object to the issue was financing of a project.

(h) Rate of dividend paid.

IX. Management perceptions of risk factors (e.g., sensitivity to foreign exchange rate fluctuations, difficulty in availability of raw materials or in marketing of products, cost/time overrun.)

Note:—Term "year" wherever used, hereinbefore, means "financial year".

If the company does not receive application money for at least 90% of the issued amount, the entire subscription will be refunded to the applicants within ninety days from the date of closure of the issue. If there is delay in the refund of application money by more than 8 days after the company becomes liable to pay the excess amount, the company will pay interest for the delayed period, at prescribed rates in sub-sections (2) and (2A) of section 73. No statement made in this Form shall contravene any of the provisions of the Companies Act, 1956, and the rules made thereunder."

Place :

Date :

Signatures of directors."

Published in the Gazette of India, Extraordinary, Part II, Section 3(ii), dated 27th September, 1991.

MINISTRY OF INDUSTRY

G.S.R. 605(E), —(dated 27th September, 1991). In exercise of the powers conferred by section 3 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby directs that the said Act

shall apply to the undertakings specified in clauses (a), (b), (c), (e) and (f) and financial institutions under clause (g) thereof, except the undertakings owned or controlled by a Government company, or the Government, as the case may be, engaged in the production of arms and ammunition and allied items of defence equipment, defence aircraft and warships, atomic energy, minerals specified in the Schedule to the Atomic Energy (Control of Production and Use) Order, 1953, and industrial units under the Currency and Coinage Division, Ministry of Finance, Department of Economic Affairs.

Published in the Gazette of India, Extraordinary, Part II, Section 3 (i), dated 3rd October, 1991.

MINISTRY OF INDUSTRY

S.O. No. 666 (E). (Dated October 3, 1991).—In exercise of the powers conferred by sub-section (i) of section 641 of the Companies Act, 1956 (1 of 1956), the Central Government hereby makes the following amendments in Schedule II of to the said Act, namely : —

In the said Schedule, for Parts I to III and the entries relating thereto, the following parts and entries shall be substituted, namely :

"PART I

I. General information :

(a) Name and address of registered office of the company.
(b) (i) Consent of the Central Government for the present issue and declaration of the Central Government about non-responsibility for financial soundness or correctness of statement.

(ii) Letter of intent/industrial licence and declaration of the Central Government about non-responsibility for financial soundness or correctness of statements.

(c) Names of regional stock exchange and other stock exchanges where application made for listing of present issue.

(d) Provisions of sub-section (1) of section 68A of the Companies Act, relating to punishment for fictitious applications.

(e) Statement/declaration about refund of the issue if minimum subscription of 90% is not received within 90 days from closure of the issue.

(f) Declaration about the issue of allotment letters/refunds within a period of 10 weeks and interest in the case of any delay in refund at the prescribed rate under section 73(2)/(2A).

(g) Date of opening of the issue.

Date of the closing of the issue.

Date of earliest closing of the issue.

(h) Name and address of auditors and lead managers.

(i) Name and address of trustee under debenture trust deed (in case of debenture issue).

(j) Whether rating from Crisil or any rating agency has been obtained for the proposed debenture/preference shares issue.

If no rating has been obtained, this should be answered as "No".

If "yes" the rating should be indicated.

(k) Underwriting of the issue.

(names and addresses of the underwriters and the amount underwritten by them.)

(Declaration by board of directors that the underwriters have sufficient resources to discharge their respective obligations).

II. Capital structure of the company

(a) Authorized, issued, subscribed and paid-up capital.

(b) Size of present issue giving separately reservation for preferential allotment to promoters and others.

(c) Paid-up capital

(i) after the present issue

(ii) after conversion of debentures (if applicable)

III. Terms of the present issue

(a) Terms of payments.

(b) Rights of the instrument holders.

(c) How to apply—availability of forms, prospectus and mode of payment.

(d) Any special tax benefits for company and its shareholders.

IV. Particulars of the issue

(a) Objects.

(b) Project costs.

(c) Means of financing (including contribution of promoters)

V. Company, management and project

(a) History and main objects and present business of the company.

(b) Subsidiary (ies) of the company, if any

(For financial data, refer to auditor's report in Part II).

(c) Promoters and their background.

(d) Names, addresses and occupation of manager, managing director and other directors including nominee-directors, wholetime directors (giving their directorships in other companies).

(e) Location of project.

(f) Plant and machinery, technology, process, etc.

(g) Collaboration, any performance guarantee or assistance in marketing by the collaborators.

(h) Infrastructure facilities for raw materials and utilities like water, electricity, etc.

(i) Schedule of implementation of the project and progress made so far, giving details of land acquisition, civil works, installation of plant and machinery, trial production, date of commercial production, etc.

(j) The products i

(i) Nature of the product/s—consumer/industrial and end users.

(ii) Approach to marketing and proposed marketing set up.

(iii) Export possibilities and export obligations, in any (in case of a company providing any "service" particulars, as applicable, be furnished).

(k) Future prospects—expected capacity utilisation during the first three years from the date of commencement of production, and the expected year when the company would be able to earn each profits and net profits.

Stock market data for shares/debentures of the company (high/low price in each of the last three years and monthly high/low during the last six months (where applicable)).

VI. Following particulars in regard to the company and other listed companies under the same management within the meaning of section 370 (1B),

which made any capital issue during the last three years :

Name of the company.

Year of issue.

Type of issue.

(Public/rights/composite).

Amount of issue.

Date of closure of issue.

Date of completion of delivery of share/debenture certificates.

Date of completion of the project, where object of the issue was financing of a project.

Rate of dividend paid.

VII. (a) Outstanding litigation pertaining to—

(i) matters likely to effect operation and financing of the company including disputed tax liabilities of any nature ; and

(ii) criminal prosecution launched against the company and the directors for alleged offences under the enactments specified in paragraph 1 of Part I of Schedule XIII to the Companies Act, 1956.

(b) Particulars of default, if any, in meeting statutory dues, institutional dues, and towards instrument holders like debentures, fixed deposits, and arrears on cumulative preference shares, etc. (also give the same particulars about the companies promoted by the same private promoters and listed on stock exchanges).

(c) Any material development after the date of the latest balance-sheet and its impact on performance and prospects of the company.

VIII. Management perception of risk factors (e.g., sensitivity to foreign exchange rate fluctuations, difficulty in availability of raw materials or in marketing of products, cost/time overrun, etc.).

Part II

A. General information.

1. Consent of directors, auditors, solicitors/advocates, managers to the issue, Registrar of Issue, bankers to the company, bankers to the issue and exports.

2. Expert opinion obtained, if any.

3. Change, if any, in directors and auditors during the last three years, and reasons thereof.

4. Authority for the issue and details of resolution passed for the issue.

5. Procedure and time schedule for allotment and issue of certificates.

6. Names and addresses of the company secretary, legal adviser, lead managers, co-managers, auditors, bankers to the company, bankers to the issue, and brokers to the issue.

B. Financial information.

Reports to be set out.

1. A report by the auditors of the company with respect to —

(a) profits and losses and assets and liabilities, in accordance with sub-clause (2) or (3) of this clause, as the case may require ; and

(b) the rates of the dividends, if any, paid by the company in respect of each class of shares in the company for each of the five financial years imme-

diately preceding the issue of the prospectus, giving particulars of each class of shares on which such dividends have been paid and particulars of the cases in which no dividends have been paid in respect of any class of shares for any of those years :

and, if no accounts have been made up in respect of any part of the period of five years ending on a date three months before the issue of the prospectus, containing a statement of that fact (and accompanied by a statement of the accounts of the company in respect of that part of the said period up to a date not earlier than six months of the date of issue of prospectus indicating the profit or loss for that period and the assets and liabilities position as at the end of that period together with a certificate from the auditors that such accounts have been examined and found correct by them. The said statement may indicate the nature of provision or adjustments made or are yet to be made).

2. If the company has no subsidiaries, the report shall

(a) so far as regards profits and losses, deal with the profits or losses of the company (distinguishing items of a non-recurring nature) for each of the five financial years immediately preceding the issue of the prospectus ; and

(b) so far as regards assets and liabilities, deal with the assets and liabilities of the company at the last date to which the accounts of the company were made up.

3. If the company has subsidiaries the report shall—

(a) so far as regards profits and losses, deal separately with the company's profits and losses as provided by sub-clause (2) and in addition deal either

(i) as a whole with the combined profits and losses of its subsidiaries so far as they concern members of the company ; or

(ii) individually with the profits or losses of each subsidiary, so far as they concern members of the company ;

or, instead of dealing separately with the company's profits or losses, deal as a whole with the profits or losses of the company, and, so far as they concern members of the company, with the combined profits or losses of its subsidiaries ; and

(b) so far as regard assets and liabilities, deal separately with the company's assets and liabilities as provided by sub-clause (2) and in addition, deal either :—

(b) (i) as a whole with the combined assets and liabilities of its subsidiaries, with or without the company's assets and liabilities, or

(ii) individually with the assets and liabilities of each subsidiary ; and shall indicate as respects the assets and liabilities of the subsidiaries, the allowance to be made for persons other than members of the company.

4. If the proceeds, or any part of the proceeds, of the issue of the shares or debentures are or is to be applied directly or indirectly—

(i) in the purchase of any business ; or

(ii) in the purchase of an interest in any business and by reason of that purchase, or anything to be done in consequence thereof, or in connection therewith ; the company will become entitled to an interest as respects either the capital or profits and losses or both, in such business exceeding fifty per cent, thereof ;

a report made by accountant(s) (who shall be named in the prospectus) upon—

(a) the profits or losses of the business for each of the five financial years immediately preceding the issue of the prospectus; and

(b) the assets and liabilities of the business at the last date to which the accounts of the business were made up, being a date not more than one hundred and twenty days before the date of the issue of the prospectus.

5. (i) If—

(a) the proceeds, or any part of the proceeds, of the issue of the share or debentures are or is to be applied directly or indirectly in any manner resulting in the acquisition by the company of shares in any other body corporate; and

(b) by reason of that acquisition or anything to be done in consequence thereof or in connection therewith, that body corporate will become a subsidiary of the company;

a report made by accountants (who shall be named in the prospectus) upon—

(i) the profits or losses of the other body corporate for each of the five financial years immediately preceding the issue of the prospectus; and

(ii) the assets and liabilities of the other body corporate at the last date to which its accounts were made up.

(iii) The said report shall—

(b) indicate how the profits or losses of the other body corporate dealt with by the report would, in respect of the shares to be acquired, have concerned members of the company and what allowance would have fallen to be made, in relation to assets and liabilities so dealt with for holders of other shares, if the company had all material times held the shares to be acquired; and

(b) where the other body corporate as subsidiaries deal with the profits or losses and the assets and liabilities of the body corporate and its subsidiaries in the manner provided by sub-clause (2) above in relation to the company and its subsidiaries.

6. Principal terms of loan and assets charged as security.

C. Statutory and other information

1. Minimum subscription

2. Expenses of the issue giving separately fee payable to :

(a) Advisers.

(b) Registrars to the issue.

(c) Managers to the issue.

(d) Trustees for the debenture-holders.

3. Underwriting commission and brokerage

4. Previous issue for cash

5. Previous public or rights issue, if any :

(during last five years)

(a) Date of allotment :

Closing date ;

Date of refund :

Date of listing on the stock exchange :

(b) If the issue(s) at premium or discount and the amount thereof.

(c) The amount paid or payable by way of premium, if any, on each share which had been issued within the two years preceding the date of the prospectus or is to be issued, stating the dates or proposed dates of issue and,

where some shares have been or are to be issued at a premium and other shares of the same class at a lower premium, or at par or at a discount, the reasons for the differentiation and how any premiums received have been or are to be disposed of.

6. Commission or brokerage on previous issue.
 7. Issue of shares otherwise than for cash.
 8. Debentures and redeemable preference shares and other instruments issued by the company outstanding as on the date of prospectus and terms of issue.

9. Option to subscribe.

10. Purchase of property :

(i) As respects any property to which this clause applies—

(a) the names, addresses, descriptions and occupations of the vendors ;

(b) the amount paid or payable in cash, shares or debentures to the vendor and, where there is more than one separate vendor, or the company is a sub-purchase, the amount so paid or payable to each vendor, specifying separately the amount, if any, paid or payable for goodwill ;

(c) the nature of the title or interest in such property acquired or to be acquired by the company ;

(d) short particulars of every transaction relating to the property completed within the two preceding years, in which any vendor of the property to the company or any person who is, or was at the time of the transaction, a promoter, or a director or proposed director of the company had any interest, direct or indirect, specifying the date of the transaction and the name of such promoter, director or proposed director and stating the amount payable by or to such vendor, promoter, director or proposed director in respect of the transaction.

(ii) The property to which sub-clause (i) applies is a property purchased or acquired by the company or proposed to be purchased or acquired, which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus or the purchase or acquisition of which has not been completed at the date of issue of the prospectus other than property—

(a) the contract for the purchase or acquisition whereof was entered into in the ordinary course of the company's business, the contract not being made in contemplation of the issue nor the issue in consequence of the contract ; or

(b) as respects which the amount of the purchase money is not material.

(iii) For the purpose of this clause, where a vendor is a firm, the members of the firm shall not be treated as separate vendors.

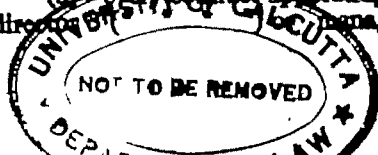
(iv) If the company proposes to acquire a business which has been carried on for less than three years, the length of time during which the business has been carried on.

11. (i) Details of directors, proposed directors, whole-time directors, their remuneration, appointment and remuneration of managing directors, interests of directors, their borrowing powers and qualification shares.

Any amount or benefit paid or given within the two preceding years or intended to be paid or given to any promoter or officer and consideration for payment of giving of the benefit.

(ii) The dates, parties to, and general nature of—

(a) every contract appointing or fixing the remuneration of a managing director or manager whenever entered into, that is to say,



whether within or more than, two years before the date of the prospectus :

(b) every other material contract, not being a contract entered into in the ordinary course of the business carried on or intended to be carried on by the company or a contract entered into more than two years before the date of the prospectus.

A reasonable time and place at which any such contract or a copy thereof may be inspected.

(iii) Full particulars of the nature and extent of the interest, if any, of every director or promotor—

(a) in the promotion of the company ; or

(b) in any property acquired by the company within two years of the date of the prospectus or proposed to be acquired by it.

Where the interest of such a director or promotor consists in being a member of a firm or company, the nature and extent of the interest of the firm or company, with a statement of all sums paid or agreed to be paid to him or to the firm or company in cash or shares or otherwise by any person either to induce him to become, or to qualify himself as a director, or otherwise for services rendered by him or by the firm or company in connection with the promotion or formation of the company.

12. Rights of members regarding voting, dividend, lien on shares and the process for modification of such rights and forfeiture of shares.

13. Restrictions, if any, on transfer and transmission of shares, debentures and on their consolidation/splitting.

14. Revaluation of assets, if any (during last five years).

15. Material contracts and inspection of documents, e.g.

A. Material contracts.

B. Documents.

C. Time and place at which the contracts together with documents will be available for inspection from the date of prospectus until the date of closing of the subscription list.

PART III

Provisions applying to Parts I and II of the Schedule

16. Every person shall, for the purpose of this Schedule, be deemed to be a vendor who has entered into any contract, absolute or conditional, for the sale or purchase or for any option of purchase, of any property to be acquired by the company, in any case where—

(a) the purchase money is not fully paid at the date of the issue of the prospectus ;

(b) the purchase money is to be paid or satisfied, wholly or in part, out of the proceeds of the issue offered for subscription by the prospectus ;

(c) the contract depends for its validity or fulfilment on the result of that issue.

17. Where any property to be acquired by the company is to be taken on lease, this Schedule have effect as if the expression "vendor" included the lessor, the expression "purchase money" included the consideration for the lease, and the expression "sub-purchaser" included a sub-lessee.

18. If in the case of a company which has been carrying on business, or of a business which has been carried on for less than five financial years, the accounts of the company or business have only been made up in respect of four such years, three such years, two such years, or one such year, Part I of this

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Schedule shall have effect as if references to four financial years, three financial years, two financial years or one financial year, as the case may be, were substituted for references to five financial years.

19. Where the five financial years immediately preceding the issue of prospectus which are referred to in Part II of this Schedule or in this part cover a period of less than five years, references to the said five financial years in either Part shall have effect as if references to a number of financial years the aggregate period covered by which is not less than five years immediately preceding the issue of the prospectus were substituted for references to the five financial years aforesaid.

20. Any report required by Part II of this Schedule shall either—

(a) indicate by way of note any adjustments as respects the figures of any profits or losses or assets and liabilities dealt with by the report which appear to the persons making the report necessary; or

(b) make those adjustments and indicate that adjustments have been made.

21. Any report by accountants required by Part II of this Schedule—

(a) shall be made by accountants qualified under this Act for appointment as auditors of the company; and

(b) shall not be made by any accountant who is an officer or servant, or a partner or in the employment of an officer or servant, of the company or of the company's subsidiary or holding company or of a subsidiary of the company's holding company.

For the purposes of this clause, the expression "officer" shall include a proposed director but not an auditor.

22. Inspection of documents :

Reasonable time and place at which copies of all balance sheets and profit and loss accounts, if any, on which the report of the auditors is based, and material contracts and other documents may be inspected.

Note : Term "year" wherever used hereinafter, means financial year.

Declaration : That all the relevant provisions of the Companies Act, 1956 and the guidelines issued by the Government have been complied with and no statement made in prospectus is contrary to the provisions of Companies Act, 1956, and rules thereunder.

Place :

Date :

Signature of directors."

Published in the Gazette of India, Extraordinary, Part II, Section 3 (i), dated May 3, 1991.

MINISTRY OF HEALTH AND FAMILY WELFARE

G.S.R. 257 (E). —(New Delhi, the 2nd May, 1991). —Whereas the certain draft rules further to amend Prevention of Food Adulteration Rules, 1955, were published as required by sub-section (1) of section 23 of Prevention of Food Adulteration Act, 1954 (37 of 1954) with the notification of Government of India in the Ministry of Health and Family Welfare (Department of Health) G.S.R. No. 408 (E), dated 29th March, 1990, in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (1), dated the 29th March, 1990 at pages 1 to 10 inviting objections and suggestions from all persons likely to be

affected thereby before the expiry of sixty days from the date on which the said notification was published in the Official Gazette and were made available to the public ;

And whereas the copies of the said Gazette were made available to the public on 21st May, 1990 ;

And whereas the objections and suggestions received from the public on the said draft rules have been considered by the Central Government ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 23 of the said Act, the Central Government after consultation with Central Committee for Food Standards hereby makes the following rules to amend the Prevention of Food Adulteration Rules, 1955, namely :—

RULES

1. (1) These rules may be called the Prevention of Food Adulteration (Fifth Amendment) Rules, 1991.

(2) They shall come in force after six months from the date of their publication.

2. In the Prevention of Food Adulteration Rules (hereinafter referred to as the said rules) in sub-rule (2) of rule 37A, for paragraph (a) to the Explanation, the following paragraph shall be substituted, namely :—

“(a) “Infant food” means any food which may be used for partial or total replacement of breast milk, commonly called breast milk substitute and includes infant milk food, infant formulae and any food suitable as a complement to breast milk, to meet the nutritional needs of the infant after 4 months of age, commonly called “complementary food”, “breast milk supplement” or “weaning food”.

(aa) “Infant” means “a child not more than 12 months of age”.

3. After rule 37-A of the said rules, following rule shall be inserted, namely :—

“37-B - Labelling of infant foods :

Restriction on use of words or pictures on labels of Infant foods :

(1) “The package and or the label and/or the advertisement of infant milk food, infant formula and any other special infant food marketed as breast milk substitutes, shall not have a picture of infant or picture of mother breast feeding infant or other forms of pictures or text which may idealize the use of such product. The terms “Humanised” or “Maternalised” or similar expressions shall not be used”.

“The package and/or the label and/or the advertisement of infant food shall also not use the word “Full Protein Food”, “Complete food” or “Health food” or similar expressions”.

(2) In addition to the labelling requirements specified under Part VII and elsewhere under the Prevention of Food Adulteration Rules, 1955, the label and/or advertisement of every infant food package shall bear the following namely :—

A statement, —

(i) in bold capital letter as follows :

“Important Notice - Breast Milk is best for your Baby”.

The colour of the statement shall be different from that of background text of label and/or advertisement. The statement shall be prominent and conspicuous in central panel of the label. Whereas in case of weaning food the

statement shall be prominent and conspicuous on any panel of the label :

Provided further that in case of weaning food the statement shall be accompanied by the statement "from 4 months of age, give baby cereal food in addition to mother milk".

The types of letters used shall not be less than 5 millimetres in all such declarations made on label:

(ii) indicating the process of manufacture (spray or roller dried) (except in case of weaning foods).

(iii) containing instructions for appropriate and hygienic preparation including cleaning of utensils, bottles and teats.

(iv) warning against health hazards of inappropriate preparation as under,—

"Infant formula/Infant Milk Food/Special Infant Food—"Warning/ Caution— Careful and hygienic preparation of infant food is most essential for health. Do not use fewer scoops than directed, since dilute feedings will not provide adequate nutrients needed by your baby. Do not use more scoops than directed since concentrated feed will not provide the water needed by your baby".

"Weaning food".—"Weaning/Caution— Careful and hygienic preparation as per directions given is most essential for good health of your baby";

(v) indicating the approximate composition of nutrients per 100g of product ;

(vi) indicating the energy value in K. Cal/Joules ;

(vii) indicating the storage conditions specifically stating "Store in cool and dry place in an air-tight container" :

(viii) containing the feeding chart and direction for use and instruction for discarding left over feed, Instructions for use of measuring scoop be explicit (level or heaped) ; Quantity per scoop be mentioned.

(ix) indicating the period by which the product is to be consumed ;

(x) to the effect that the Protein Efficiency Ratio (PER) shall be minimum of 2.5 if the product other than the infant milk food and infant formula is claimed to have high quality protein.

4. In rule 42 of the said rules in sub-clause (iii) of clause (B), the following shall be inserted at the end, namely :—

"Sweetened condensed milk and other similar products which are not suitable for infant feeding shall not contain any instruction of modifying them for infant feeding".

5. After rule 43 of the said rules, the following rule shall be inserted, namely :—

"43-A. Restriction on Advertisement.—There shall be no advertisement of any food which is misleading or contravening the provisions of Prevention of Food Adulteration Act, 1954 (37 of 1954) or the rules made thereunder.

Explanation.—The term 'Advertisement' means any visible representation or announcement made by means of any light, sound, smoke or gas".

6. In rule 49 of the said rules after sub-rule (18), the following sub-rule shall be inserted, namely :—

"(19) No person shall manufacture, sell, store or exhibit for sale an infant milk food, infant formula and milk cereal based weaning food except under Bureau of Indian Standards Certification Mark".

7. In Appendix B of the said rules, for item A.11.02.18, the following shall be substituted, namely :—

“A. 11.02.18 —Infant Milk Food.—The material prepared by spray drying or by roller drying of the milk of cow or buffalo or a mixture thereof. The milk may be modified by the partial removal/substitution of different milk solids, carbohydrates, such as sucrose, dextrose and dextrins, maltose and lactose, salt like phosphates and citrates, vitamins A.D.E.B. Group, Vitamin C and other vitamins ; and minerals like iron, copper, zinc and iodine. The source of iron may be selected from—

“Ferrous sulphate, Ferrous citrate,
Ferrous fumarate, Ferrous succinate,
Ferric ammonium citrate’ Ferric pyrophosphate”.

It shall be free from starch and added anti-oxidants. It shall also be free from dirt and extraneous matter, preservatives and added colour and flavour and from any material which is harmful to human health. It shall not have rancid taste or musty odour. It shall also conform to the following standards, namely :—

1. Moisture, per cent by weight (not more than)	-4.5
2. Total milk protein, per cent by weight (not less than)	-12.0
3. Milk fat, per cent by weight (not less than)	-18.0
4. Total ash, per cent by weight (not more than)	-8.5
5. Ash insoluble in dilute Hydrochloric acid' per cent by weight (not more than)	0.1
6. Solubility—	
(a) Solubility Index maximum—	
(if roller dried)	-15.0 ml
(if spray dried)	-2.0 ml
(b) Solubility per cent by weight (not less than)	
(if roller dried)	-85.0
(if spray dried)	-98.5
7. Vitamin A (as retinol) mcg. per 100g. (not less than)	-350
8. Added Vitamin D (expressed as Cholecalciferol) I.U. per 100g. (not less than)	180
9. Iron, mg per 100g. (not less than)	-5.0
10. Thiamine, mcg per 100g. (not less than)	-185
11. Nicotinamide, mcg per 100g. (not less than)	1160
12. Ribofavin, mcg per 100g. (not less than)	-275
13. Vitamin B6, mcg per 100g. (not less than)	-160
14. Vitamin B12, mcg per 100g. (not less than)	-0.7
15. Folic acid, mcg per 100g. (not less than)	-20
16. Pantothenic acid, mg per 100g. (not less than)	-1.4
17. Biotin, mcg per 100g. (not less than)	-7.0
18. Vitamin C, mg per 100g. (not less than)	-35
19. Vitamin K, mcg per 100g. (not less than)	-18
20. Copper mcg per 100g. (not less than)	-280
21. Iodine, mcg per 100g. (not less than)	-20
22. Manganese (Mn), mcg per 100g. (not less than)	-20
23. Zinc mg per 100g. (not less than)	-2.5
24. Sodium (Na). mg per 100g. (not less than)	-90

25. Potassium (K), mg per 100g. (not less than)	-370
26. Chloride (Cl), mg per 100g. (not less than)	-250
27. Phosphorus (P), mg per 100g. (not less than)	-115
28. Magnesium (Mg), mg per 100g. (not less than)	-22
29. Calcium (Ca), mg per 100g. (not less than)	-230
30. Choline, mg per 100g. (not less than)	-32
31. Bacterial count, per g. (not more than)	-40,000
32. Coliform count	-absent in 0.1 g.

It shall be packed in hermetically sealed, clean and sound containers or in flexible pack made from film or combination or any of the substrate made of Board, paper, polyethylene, polyester metalized film or aluminium foil in such a way to protect from deterioration.

It shall be packed in nitrogen or a mixture of nitrogen and carbondioxide".

8. After item A.11.02.18 of the said rules, the following shall be inserted, namely;—

A. 11.02.18.01.— Infant formula means the product prepared by spray drying or roller drying of the milk of cow or buffalo or a mixture thereof. The milk may be modified by the partial removal/substitution of milk fat with vegetable oil rich in polyunsaturated fatty acids and/or by different milk solids; carbohydrates such as uncrystallized dextrose and dextrins, maltose and lactose, salts such as phosphates and citrates; vitamins A,D,E,B and C group and other vitamins, minerals such as iron, copper, zinc and iodine and others. The source of iron may be selected from—

Ferrous sulfate.	Ferrous citrate,
Ferrous fumarate,	Ferrous succinate.
Ferric Ammonium citrate,	Ferric pyrophosphate".

It shall be free from added starch, added antioxidants, added colour and added flavour. It shall not have rancid taste and musty odour. Vegetable oils rich in polyunsaturated fatty acids shall be added to partially substituted milk fat to an extent that the product shall contain a minimum of 12 per cent by weight of milk fat and a minimum of linoleate content of 1.398 g. per 100g. of the product.

The product shall also contain a minimum of 0.70 I.U. of Vitamin E per 100 K. Cal.

It shall conform to the following standard, namely;—

1. Moisture, per cent by weight (not more than)	-4.5
2. Total milk protein, per cent by weight (not less than)	-12.0
3. Total fat, per cent by weight (not less than)	-18.0
4. Total ash, per cent by weight (not more than)	-8.5
5. Ash insoluble in dilute hydrochloride acid, per cent by weight (not more than)	-0.1
6. Solubility—	
(a) Solubility Index, maximum	
(if roller dried)	-15.0 ml
(if spray dried)	-2.0 ml
(b) Solubility per cent by weight (not less than):	

(if roller dried)	-85.0
(if spray dried)	-98.5
7. Vitamin A (as retinol), mcg. per 100 g. (not less than)	-350
8. Added Vitamin D (expressed as cholecalciferol) I. U. per 100 g. (not less than)	-180
9. Iron, mg. per 100 g. (not less than)	-5.0
10. Thiamine, mcg. per 100 g. (not less than)	-185
11. Riboflavin, mcg per 100 g. (not less than)	-275
12. Nicotinamide, mcg per 100 g. (not less than)	-1160
13. Vitamin B ₆ , mcg per 100 g. (not less than)	-160
14. Vitamin B ₁₂ , mcg per g. (not less than)	-0.7
15. Folic acid, mcg per 100 g. (not less than)	-20
16. Pantothenic acid, mg per 100 g. (not less than)	-1.4
17. Biotin, mcg per 100 g. (not less than)	-7.0
18. Vitamin C, mg per 100 g. (not less than)	-35
19. Vitamin K, mcg 100 g. (not less than)	-18
20. Copper, mcg per 100 g. (not less than)	-280
21. Iodine, mcg per 100 g. (not less than)	-20
22. Manganese, mcg per 100 g. (not less than)	-20
23. Zinc, mg per 100 g. (not less than)	-2.5
24. Sodium (Na), mg per 100 g. (not less than)	-90
25. Potassium (K), mg per 100 g. (not less than)	-370
26. Chloride (Cl), mg per 100 g. (not less than)	-250
27. Phosphorus (P), mg per 100 g. (not less than)	-115
28. Magnesium (Mg), mg per 100 g. (not less than)	-22
29. Calcium (Ca), mg per 100 g. (not less than)	-230
30. Choline, mg per 100 g. (not less than)	-32
31. Bacterial count per g. (not more than)	40,000
32. Coliform count	-absent in 0.1 g.

It shall be packed in hermetically sealed, clean and sound containers or in flexible pack made from film or combination or any of the substrate made of Board paper, polyethylene, polyester metallised film or aluminium foil in such a way to protect from deterioration.

It shall be packed in nitrogen or a mixture of nitrogen and carbon dioxide.

A. 11.02.14.02—Milk-Cereal based weaning foods :

Milk-cereal based weaning foods are obtained from a variety of cereals vegetable oils and proteins, milk solid different carbohydrates such as sucrose, dextrose, dextrins, maltose and lactose, iron and calcium salts ; phosphates and citrates and other nutritionally significant minerals and vitamins. It may also contain fruits and vegetables. It shall be in the form of powder, small granules or flakes, free from lumps and shall be uniform in appearance. The source of iron shall be selected from—

“Ferrous sulphate,
Ferrous fumarate,
Ferric Ammonium citrate,

Ferrous citrate,
Ferrous succinate,
Ferric phosphophosphate”.

It shall be free from dirt and extraneous matter and free from preservatives, added colour, flavour and antioxidants. It shall be free from any mate-

rial which is harmful to human health. It shall contain a minimum of 20 per cent milk solids by weight of the product of which milk fat shall be a minimum of 5 per cent by weight.

It shall conform to the following standards, namely :—

1. Moisture per cent, by weight (not more than)	-5.0
2. Total protein, per cent by weight (not less than)	-12.0
3. Fat, per cent by weight (not more than)	-7.5
4. Total Carbohydrates, per cent by weight (not less than)	-55.0
5. Total ash, per cent by weight (not more than)	-5.0
6. Ash insoluble in dilute hydrochloric acid, per cent by weight (not more than)	-0.1
7. Crude fibre (on dry basis, per cent by weight) (not more than)	-1.0
8. Vitamin A (as retinol), mcg per 100 g. (not less than)	-350
9. Vitamin C, mg per 100 g. (not less than)	-25
10. Added Vitamin D, mcg per 100 g. (expressed as cholecalciferol)	-5
11. Bacterial count per g. (not more than)	-40,000
12. Coliform count	-absent in 0.1 g.

It shall also contain the following :—

1. Thiamine (as hydrochloride), mg per 100 g. (not less than)	-0.5
2. Riboflavin, mg per 100 g. (not less than)	-0.6
3. Nicotinic acid, mg per 100 g. (not less than)	-5
4. Iron, mg per 100 g. (not less than)	-5

It shall be packed in hermetically sealed, clean and sound containers or in flexible pack made from film or combination or any of the substrate made of Board paper, polyethylene polyester metallised film or aluminium foil in such a way to protect from deterioration".

Published in the Gazette of India, Extraordinary, Part II, Section 3(i), dated 21st September, 1991.

RESERVE BANK OF INDIA

No. G.S.R. 594(E).—(dated 21st September, 1991).—In exercise of the powers conferred by clause (a) of sub-section (1) of section 3 of the Remittances of Foreign Exchange and Investment in Foreign Exchange Bonds (Immunities and Exemptions) Act, 1991 (41 of 1991), the Reserve Bank of India hereby specifies the following Scheme, namely :—

1. Short title and commencement.—(1) This Scheme may be called the Remittances in Foreign Exchange (Immunities) Scheme, 1991.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. Definitions.—In this Scheme, unless the context otherwise requires,—

(a) "Act" means the Remittances of Foreign Exchange and Investment in Foreign Exchange Bonds (Immunities and Exemptions) Act, 1991 (41 of 1991);

(b) "Form" means a Form appended to the Scheme;

(c) all other words and expressions used herein but not defined and defi-

ned in the Act or in the Foreign Exchange Regulation Act, 1973, shall have the meanings respectively assigned to them in those Acts.

3. **Issue of certificate of remittances.**—(a) The recipient of a remittance in foreign exchange, desirous of claiming immunity under sub-section (1) of section 3 of the Act, shall, not later than 15 days from the date of receipt of such remittance, file a declaration in the Form with the authorised dealer through whom the remittance is received.

(b) The authorised dealer before whom the declaration is filed, shall, after realising the proceed of the remittance, return the second copy of the declaration to the recipient, which shall be duly authenticated by the authorised dealer by his signature (with date and seal) and the following superscription—

“Issued under the Remittances in Foreign Exchange (Immunities) Scheme, 1991 (not valid for refund or reconversion purpose).”

(c) The authorised dealer shall retain the first copy of the declaration with him and shall forward the third copy to the Controller of Exchange, Exchange Control Department, Reserve Bank of India, Central Office, Bombay.

[See paragraphs 2(b) and 3(a)]

(To be filed in triplicate)

Declaration under the Remittances in Foreign Exchange (Immunities) Scheme, 1991

To

The.....

(Name of the Authorised Dealer)

Address :

Sir(s),

I/We hereby declare that in respect of the remittance, particulars whereof are given below, received by me/us, I/We claim immunity under sub-section (1) of section 3 of the Remittances of Foreign Exchange and Investment in Foreign Exchange Bonds (Immunities and Exemptions) Act, 1991.

1. Mode of receipt of remittance
 - (a) Draft, TC TT, MT, foreign currency, cheque, money order :
 - (b) Debit to NRE Account/
F.C.N.R. Account/F.C.N.R. Special Deposit Account :
2. Amount of remittance :
3. Name(s) of beneficiary(ies) :
4. Date of receipt. :
5. Name of the authorised dealer through whom received :

Place :

Signature

Date :

Name :

Address :

Published in the Gazette of India, Extraordinary, Part II, Section 3(i), dated 27th September, 1991.

MINISTRY OF FINANCE

No. S.O. 652(E),—(dated 27th September, 1991).—In exercise of the powers conferred by section 295 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely :—

1. (1) These rules may be called the Income-tax (Eleventh Amendment) Rules, 1991.

(2) They shall come into force with effect from the 1st day of October, 1991.

2. In the Income-tax Rules, 1962,—

(a) in rule 29C,—

(i) after sub-rule (3), the following shall be inserted, namely :—

“(3A) A declaration under sub-section (1) of section 197A by an individual, being resident in India, for payment of any amount referred to in clause (a) of sub-section (2) of section 80CCA without deduction of tax under section 194EE shall be in Form No. 15-1 and shall be verified in the manner indicated therein”;

(ii) in sub-rule (4),—

(i) after the words, brackets and figure “or sub-rule (3)”, the words, brackets, figure and letter “or sub-rule (3A)” shall be inserted ;

(2) in the concluding portion, for the words, as the case may be, interest other than “interest on securities”, the words, brackets, figures and letters interest other than “interest on securities” or, as the case may be, any amount referred to in clause (a) of sub-section (2) of section 80CCA shall be substituted ;

(iii) in sub-rule (5), for the words “, as the case may be, sub-rule (3)”, the words “sub-rule (3) or, as the case may be, sub-rule (3A)” shall be substituted ;

(b) in rule 30,—

(i) in sub-rule (1),—

(1) in the opening portion, for the words, figures and letter “section 195 and section 196A”, the words, figures and letters “section 194EE, section 194F, section 194G, section 194H, section 195, section 196A and section 196B” shall be substituted ;

(2) in sub-clause (i) of clause (b),—

(A) in the opening portion, for the words, figures and letter “section 195 and section 196A”, the words, figures and letters “section 194G, section 194H, section 195, section 196A and section 196B” shall be substituted ;

(B) in item (1), for the words, figures and letter “or the interest or any other sum referred to in section 195 or the income of a foreign company referred to in sub-section (2) of section 196A”, the following shall be substituted, namely :—

“or the income by way of commission, remuneration of prize on sale of lottery tickets referred to in section 194G or the income by way of commission or brokerage referred to in section 194H or the interest or any other sum referred to in section 195 or the income of a foreign company referred to in sub-section (2) of section 196A or the income from units referred to in sec-

tion 196B”;

(3) in clause (a) of the proviso, after the words “Insurance commission”; the words, figures and letter “or any income by way of commission or brokerage referred to in section 194H” shall be inserted;

(ii) in sub-rule (3), for the figures, letter and word “195 and 196”, the figures, letter and word “194EE, 194F, 194G, 194H, 195, 196A and 196B” shall be substituted;

(c) in rule 31,

(i) in sub-rule (1),—

(1) in clause (b), for the words, figures and letter “and section 194D”, the following shall be substituted, namely:

“section 194A [in so far as it relates to interest on time deposits referred to in clauses (vii) and (viii) of sub-section (3) of this section], section 194D, section 194EE, section 194F, section 194G, section 194H and section 196B”;

(2) in clause (c), after the word, figures and letter “section 194A”, the following shall be inserted, namely:

“[other than in the case of interest on the time deposits referred to in clauses (vii) and (viii) of sub-section (3) of this section]”;

(ii) in sub-rule (3),—

(1) after the words “one month”, the words “and fourteen days” shall be inserted;

(2) in the first proviso, for the words, figures and letter “or the interest or any other sum referred to in section 195 or the income of a foreign company referred to in sub-section (2) of section 196A”, the following shall be substituted, namely:—

“or the income by way of commission, remuneration or prize on sale of lottery tickets referred to in section 194G or the income by way of commission or brokerage referred to in section 194H or the interest or any other sum referred to in section 195 or the income of a foreign company referred to in sub-section (2) of section 196A or the income from units referred to in section 196B”;

(3) after the second proviso, the following proviso shall be inserted, namely:—

“Provided also that the certificate in cases, other than those mentioned in the second proviso, where payment of income-tax deducted is permitted quarterly in accordance with clause (a) of the proviso to clause (b) of sub-rule (1) of rule 30 may be furnished within fourteen days from the date of payment of income-tax.”;

(d) in rule 37A,

(i) for the word, figures and letter “and 196A”, the word, figures and letters “196A and 196B” shall be substituted;

(ii) in the proviso, after the figures and letter “196A”, the following shall be inserted, namely:—

“or the income from units referred to in section 196B”;

(e) in Appendix II,

(i) after Form No. 15H, the following Form shall be inserted namely:—

'FORM No. 15-1**[See rule 29C(3A)]**

Declaration under section 197A(1) of the Income-tax Act, 1961, to be made by an individual claiming receipt of any amount referred to in clause (a) of sub-section (2) of section 80CCA without deduction of tax

I, ..., son/daughter/wife of..... resident of.....
@ do hereby declare

1. that the particulars of my account under the National Savings Scheme and the amount of withdrawal are as under :

Particulars of the Post Office where the account under the National Savings Scheme is maintained and the account number	Date on which the account was opened	The amount of withdrawal from the account
.....		

2. that my present occupation is..... ;

3. that the tax on my estimated total income including the amount referred to in clause (a) of sub-section (2) of section 80 CA, mentioned in paragraph 1 above, computed in accordance with the provisions of the Income-tax Act, 1961, for the previous year ending on..... relevant to the assessment year 19..... -19..... will be nil ;

4. *that I have not been assessed to income-tax at any time in the past but I fall within the jurisdiction of the Chief Commissioner or commissioner of Income-tax,..... ;

OR

that I was last assessed to income-tax for the assessment year 19..... -19..... by the Assessing Officer..... Circle/Ward/District and the permanent account number allotted to me is..... ;

5. that I am resident in India within the meaning of section 6 of the Income-tax Act 1961.

.....
Signature of the declarant

Verification

I,....., do hereby declare that to the best of my knowledge and belief what is stated above is correct, complete and is truly stated.

Verified today, the day of..... 19.....

Place.....

.....
Signature of declarant

Notes :

1. @ Give complete postal address.

2. The declaration should be furnished in duplicate.
3. *Delete whichever is not applicable.
4. Before signing the verification, the declarant should satisfy himself that the information furnished in the declaration is true, correct and complete in all respects.

5. Any person making a false statement in the declaration shall be liable to prosecution under section 277 of the Income-tax Act, 1961, and on conviction be punishable

(i) in a case where tax sought to be evaded exceeds one lakh rupees, with rigorous imprisonment which shall not be less than six months but which may extend to seven years and with fine;

(ii) in any other case, with rigorous imprisonment which shall not be less than three months but which may extend to three years and with fine.

[For use by the person to whom the declaration is furnished]

1. Name and address of the person responsible for paying the amount referred to in clause (a) of sub-section (2) of section 80CCA.

2. Date on which the declaration was furnished by the declarant.

3. Amount and date of withdrawal from account number... under the National Savings Scheme.

Forwarded to the Chief Commissioner or Commissioner of Income-tax

Place

Date

Signature of the person responsible for paying any amount referred to in clause (a) of sub-section (2) of section 80CCA";

(ii) in the heading of Form No. 16A, for the words and brackets "[For interest on securities, dividends or insurance commission]", the following shall be substituted, namely: -

"[For interest on securities, dividends, interest on time-deposits referred to in clauses (vii) and (viii) of sub-section (3) of section 194A, insurance commission payments in respect of deposits under National Savings Scheme, payments on account of repurchase of units by Mutual Fund or Unit Trust of India, commission, remuneration or prize on sale of lottery tickets, commission or brokerage, income from units referred to in section 196B]";

(ii) in the heading of Form No. 16B, after the words "interest on securities", the words, figures and letter "excluding interest on time deposits referred to in clauses (vii) and (viii) of sub-section (3) of section 194A" shall be substituted.

Published in the Gazette of India, Extraordinary, Part II, Section 3(ii), dated 27th June, 1991.

MINISTRY OF SURFACE TRANSPORT

S.O. 427(E). - (New Delhi, 27th June, 1991.) - In exercise of the powers

conferred by sub-rule (3) of Rule 1 of the Central Motor Vehicle Rules, 1989, the Central Government hereby appoints the first day of July '93 as the date on which the provisions of Rule 118 of the said rule shall come into force:

Published in the Gazette of India, Extraordinary, Part II, Section 3 (i), No. 356, dated October 1, 1991.

MINISTRY OF FINANCE

G.S.R. 612 (E).—(*New Delhi, the 1st October, 1991*).—In exercise of powers conferred by section 156 of the Customs Act, 1962 (52 of 1962), and in supervision of the Government of India Notification No. 44/90-Cus. (NT), dated the 4th August, 1990, the Central Government hereby makes the following rules further to amend the Customs Valuation (Determination of Price of Imported Goods) Rules, 1988, namely :—

1. (1) These rules may be called the Customs Valuation (Determination of Price of Imported Goods) Amendment Rule, 1991.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 10 of the Customs Valuation (Determination of Price of Imported Goods) Rules, 1988, for sub-rule (1), the following sub-rule shall be substituted, namely :—

“(1) The importer or his agent shall furnish—

(a) a declaration disclosing full and accurate details relating to the value of imported goods ; and

(b) any other statement, information or document including an invoice of the manufacturer or producer of the imported goods where the goods are imported from or through a person other than the manufacturer or producer, as considered necessary by the proper officer for determination of the value of imported goods under these rules”.

Published in the Gazette of India, Extraordinary, Part II, Section 3 (ii), No. 572, dated 7th October, 1991.

MINISTRY OF SURFACE TRANSPORT

S.O. 668 (E).—(*New Delhi, the 7th October, 1991*) In exercise of the powers conferred by sub-section (i) of section 163 of the Motor Vehicles Act, 1988 (49 of 1988), the Central Government hereby makes the following Scheme to amend the Solatium Scheme, 1989, published vide S.O. 440 (E), in the Gazette of India, Extraordinary, Part II, Section 3 (ii), dated June 12, 1989, namely :—

1. (1) This scheme may be called the Solatium (Amendment) Scheme, 1991.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. For sub-clause (3) of clause 11 of the Solatium Scheme, 1989, the following shall be substituted, namely :—

“(3) The term of office of the members nominated under items (b), (c) and (d) of sub-clause (1) shall be determined by the State Government.”

END

THE ELECTRICITY LAWS (AMENDMENT) ACT, 1991.

The following Act of Parliament received the assent of the President on September 27, 1991 and was published in the Gazette of India, Extraordinary, Part II, Section 1, dated 27th September, 1991

INDIAN PARLIAMENT ACT NO. 50 OF 1991.

An Act further to amend the Indian Electricity Act, 1910 and the Electricity (Supply) Act, 1948.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :

1. Short title and commencement. - (1) This Act may be called the Electricity Laws (Amendment) Act, 1991.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Statement of Objects and Reasons. - "The Indian Electricity Act, 1910 deals with the supply and use of electrical energy and the rights and obligations of the licensees. The Electricity (Supply) Act, 1948 deals with the statutory powers and functions of the Central Electricity Authority, State Electricity Boards and Generating Companies

It is proposed to widen the scope of private sector participation in power generation, supply and distribution by suitably amending the aforesaid Acts. The main amendments are as follows :

(a) Section 6 of the Indian Electricity Act, 1910 which deals with the period of licence is sought to be amended to enhance the said period of licence to 30 years followed by subsequent extensions for 20 years at a time. This will ensure reasonable stability in the operation of the licence.

(b) Section 2 of the Electricity (Supply) Act, 1948 (hereinafter referred to as the said Act), which defines various expressions, is proposed to be amended to give effect to certain changes in the definitions and also to define certain new expressions. Clause (4-A) is proposed to be substituted to remove the exclusion of private sector from the definition of 'Generating Company', as it permits only the companies formed by the Central Government or by any State Government or jointly by the Central Government and one or more State Governments.

(c) Section 15-A of the said Act which deals with the formation, objects, etc., of Generating Companies is proposed to be amended so as to provide for the establishment of Generating Companies in the private sector as well as in the joint sector.

(d) Section 29 of the said Act which deals with the submission of schemes involving capital expenditure exceeding rupees five crores to the Central Electricity Authority is proposed to be amended in the interest of flexibility, keeping in view the escalation in the cost of projects and to provide for revision from time to time of the prescribed limit of project cost requiring such clearance

(e) A new Section 43-A is proposed to be inserted to the said Act to provide for the terms and conditions and tariff for sale of electricity by the Generating Companies.

(f) Section 55 of the said Act which provides for the licensees' compliance with the Board's directions is proposed to be amended to ensure that the licensees as well as Generating Companies shall comply with the directions issued by designated coordinating agencies in the matter of generation and

supply of power

(g) Paragraph XVII (10) (b) of Schedule VI to the said Act is proposed to be amended to raise the standard rate from the existing level of 2 per cent over the Reserve Bank of India rate to 5 per cent over the Reserve Bank of India rate to motivate equity investment in the power projects set up by licensee companies."

2. **Amendment of Section 6 of Act 9 of 1910.**—In Section 6 of the Indian Electricity Act, 1910, in clause (b) of sub-section (1), for the words "twenty" and "ten", the words "thirty" and "twenty" shall, respectively, be substituted.

3. **Amendment of Section 2.**—In Section 2 of the Electricity (Supply) Act, 1948 (54 of 1948) (hereinafter referred to as the principal Act),

(i) after clause (3), the following clause shall be inserted, namely :—

"(3 A) 'competent government' means the Central Government in respect of a Generating Company wholly or partly owned by it and in all other cases the Government of the State in which the Generating station of a Generating Company is located or proposed to be located,";

(ii) for clause (4-A), the following clause shall be substituted, namely :—

"(4-A) 'Generating Company' means a company registered under the Companies Act, 1956 (1 of 1956) and which had among its objects the establishment, operation and maintenance of generating stations,";

(iii) after clause (9) the following clause shall be inserted, namely :—

"(9-A) 'Regional Electricity Board' means any of the Boards as constituted immediately before the commencement of the Electricity Laws (Amendment) Act 1991, by resolution of the Central Government for ensuring integrated operation of constituent system in the region ;

(9-B) 'Regional Load Despatch Centre' means the Centre so designated where the operation of each of the Regional Electricity Grids constituting the country's power system is co-ordinated,".

4. **Amendment of Section 15-A**—In Section 15-A of the principal Act,

(i) the word "Formation," occurring in the marginal heading, and sub-section (1) shall be omitted ;

(ii) for sub-section (2) and (3), the following sub sections shall be substituted, namely :

"(2) The objects of a Generating Company shall include—

(a) establishment, operation and maintenance of generating stations and tie-lines, sub-stations, and main transmission lines connected therewith ;

(b) operation and maintenance of such generating stations, tie-lines, sub-stations and main transmission lines as are assigned to it by the competent government or governments.

(3) The Generating Company shall carry on its activities within such areas as the competent government or governments, as the case may be, may, from time to time, specify in this behalf,";

(iii) sub-sections (4), (6) and (7) shall be omitted.

5. **Amendment of Section 18-A**—In Section 18 A of the principal Act, in sub-section (1), for the words "promoting government or promoting governments", at both the places where they occur, the words "competent government or governments" shall be substituted.

6. **Amendment of Section 29.**—In Section 29 of the principal

Act, —

(i) for sub-section (1), the following sub-section shall be substituted, namely :

“(i) Every scheme estimated to involve a capital expenditure exceeding such sum, as may be fixed by the Central Government, from time to time, by notification in the Official Gazette, shall, as soon as may be after it is prepared be submitted to the Authority for its concurrence.”;

(ii) in sub-section (4), in the proviso, for the words “promoting government or one of the promoting governments”, the words “competent government or one of the competent governments” shall be substituted.

7. **Amendment of Section 30.** In Section 30 of the principal Act, in clause (g), the words “and such other directions as may be given by the Central Government” shall be added at the end.

8. **Amendment of Section 31.** In Section 31 of the principal Act, in sub-section (1), in the proviso, for the words “the promoting government or one of the promoting governments”, the words “competent government or one of the competent governments” shall be substituted.

9. **Amendment of Section 39.**—In Section 39 of the principal Act, —

(i) in sub-section (2), in the proviso, for the words “promoting government or one of the promoting governments”, the words “competent government or one of the competent governments” shall be substituted ;

(ii) after sub-section (2), the following sub-section shall be inserted, namely :

“(3) For the purposes of this section, no direction shall be issued to a Generating Company wholly or partly owned by the Central Government unless and until the prior concurrence of that Government is obtained.”.

10. **Amendment of Section 43.**—In Section 43 of the principal Act, sub-section (3) shall be omitted.

11. **Insertion of new Section 43-A.**—After Section 43 of the principal Act, the following section shall be inserted, namely :—

“43-A **Terms, conditions and tariff for sale of electricity by Generating Company.**—(1) A Generating Company may enter into a contract for the sale of electricity generated by it—

(a) with the Board constituted for the State or any of the States in which a generating station owned or operated by the company is located ;

(b) with the Board constituted for any other State in which it is carrying on its activities in pursuance of sub-section (3) of Section 14-A ; and

(c) with any other person with consent of the competent government or governments.

(2) The tariff for the sale of electricity by a Generating Company to the Board shall be determined in accordance with the norms regarding operation and the Plant Load Factor as may be laid down by the Authority and in accordance with the rates of depreciation and reasonable return and such other factors as may be determined, from time to time, by the Central Government, by notification in the Official Gazette :

Provided that the terms, conditions and tariff for such sale shall, in respect of a Generating Company wholly or partly owned by the Central Government, by such as may be determined by the Central Government and in respect of a Generating Company wholly or partly owned by one or more State Government :

be such as may be determined, from time to time, by the government or governments concerned.”.

12. **Substitution of new section for Section 55.**—For Section 55 of the principal Act, the following section shall be substituted, namely :—

“55. **Compliance of directions of the Regional Electricity Board, etc., by licensees or Generating Companies.**—(1) Every licensee shall comply with such reasonable directions as the Board may, from time to time, give him for the purpose of achieving the maximum economy and efficiency in the operation of his undertaking or any part thereof.

(2) Every licensee or Generating Company shall follow all the directions of the Regional Electricity Boards and shall conduct their operations in accordance with the instructions of the Regional Load Despatch Centre so as to ensure integrated grid operations.

(3) If any dispute arises with reference to the integrated grid operations as to whether any direction give under sub-section (1) or sub-section (2), is reasonable or not, it shall be referred to the Authority, whose decision thereon shall be final; so, however, pending the decision of the Authority, directions of the Regional Electricity Boards or the Regional Load Despatch Centres shall prevail in the interest of smooth operation of the integrated grid.”.

13. **Amendment of Section 75-A.**—In Section 75-A of the principal Act,—

(i) sub-section (1) shall be omitted ;

(ii) in sub-section (2), for the word “promoting” wherever it occurs, the word “competent” shall be substituted ;

(iii) for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) For the purpose of preparing the statement of accounts referred to in sub-section (2), the depreciation to be provided every year shall be calculated at such rate as may be specified by the Central Government, by notification in the Official Gazette, in accordance with the provisions of section 43-A”;

(iv) sub-section (3-A) shall be omitted.

(v) in sub-section (4), for the words, brackets and figure “sub-sections (1) and”, the word “sub-section” shall be substituted.

14. **Amendment of Sixth Schedule.**—In the Sixth Schedule to the principal Act, in paragraph XVII—

(i) in sub-paragraph (2), in clause (c), after sub-clause (va), the following sub-clause shall be inserted, namely ;

“(vb) debt redemption obligation of the private licensees which may be done on a year to year basis, taking into account the requirements of debt redemption and resource generation through depreciation, retained surplus ;” ;

(ii) in paragraph (6), for clause (b), the following clause shall be substituted, namely ;—

“(b) interest charges on capital expenditure incurred during the period between the date of grant of the licence and the date when the undertaking commences supply, from borrowed money and properly attributable to the assets as actually accrued up to the date of such supply, as well as interest incurred on outlays for subsequent expansions ;” ;

(iii) in sub-paragraph (10), in clause (b), for the words “part of capital base for that year, the Reserve Bank rate ruling at the beginning of that year,

plus two per centum ;", the following words, brackets and figures shall be substituted, namely :—

"Capital base for that year, the Reserve Bank rate ruling at the beginning of that year plus—

- (i) two per centum for investments made up to the date of the commencement of the Electricity Laws (Amendment) Act, 1991 ; and
- (ii) five per centum for investments ;".

THE CENTRAL EXCISES AND CUSTOMS LAWS (AMENDMENT) ACT, 1991

The following Act of the Parliament received the assent of the President and was published in the Gazette of India, Extraordinary, Part II, Section 1, dated September 18 of 1991.

INDIAN PARLIAMENT ACT NO. 40 OF 1991

An Act further to amend the Central Excises and Salt Act, 1944 and the Customs Act 1962.

Enacted by Parliament in the Forty-second Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. Short title and commencement.—(1) This Act may be called the Central Excises and Customs Laws (Amendment) Act, 1991.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

STATEMENT OF OBJECTS AND REASONS

The question of "unjust enrichment" in cases of goods subject to duty of excise or customs has been the subject-matter of discussion for quite some time now. The concept of "unjust enrichment", in so far as it relates to the said duties, is that any refund of these duties made to any manufacturer or importer, who may have initially paid these duties but had passed on the same to the buyers, would be in the nature of a windfall gain to such manufacturer or importer.

2. The Public Accounts Committee made an inquiry into all aspects of the issue relating to refund of central excise duty. The Committee presented its report to the Parliament on the 11th day of March, 1991. The Committee has also recommended for the introduction of suitable legislation to amend the Central Excises and Salt Act, 1944 and the Customs Act, 1962 to deny refunds in cases of unjust enrichment.

3. The Act aims at giving effect to the aforesaid recommendation of the Committee and proposes the following amendments in the said Acts, namely :—

(a) the manufacturer or importer of goods shall not be entitled to refund of the duty of excise or, as the case may be, the duty of customs if he has already passed on the incidence of such duty to the buyer ;

(b) the burden of proof that the incidence of the duty has not been passed on to the buyer shall be on the person claiming the refund ;

(c) every person, who is liable to pay duty of excise or, as the case may be, the duty of customs on any goods, shall be under an obligation to prominently indicate, at the time of clearance of the goods, in all the documents relating to assessment, etc., the amount of duty which will form part of the

price at which such goods will be sold ;

(d) the refund of any of the said duties is proposed to be made only to the person who has ultimately borne the incidence of such duty ;

(e) it is proposed to establish a Consumer Welfare Fund wherein the amount of duty of excise or, as the case may be, the duty of customs, which is not refundable to the manufacturer or importer or the buyer in accordance with the proposed provisions, shall be credited. In addition, any income from investment of the amount credited to the Fund and any other monies received by the Central Government for the purposes of the Fund will be credited to the Fund. The Fund will be utilised by the Central Government for the welfare of the consumers in accordance with the rules to be made in this behalf ;

(f) it is also proposed to provide that notwithstanding anything to the contrary contained in any judgment, decree, order or direction of the Appellate Tribunal or any Court or in any other provisions of the said Acts, etc. no refund shall be made except as provided in new sub-section (2) of section 11B of the Central Excises and Salt Act, 1944 or new sub-section (2) of section 27 of the Customs Act, 1962 ;

(g) It is also proposed to provide that where any manufacturer or importer of goods has collected any amount in any manner from the buyer as representing the duty of excise or, as the case may be, the duty of customs, he shall pay the said amount to the credit of the Central Government and the said amount shall be utilised in adjusting the duty payable by the manufacturer or importer on finalisation of assessment. The surplus, if any, will be dealt with in accordance with the aforesaid provisions of section 11B of the Central Excises and Salt Act, 1944 and section 27 of the Customs Act, 1962."

CHAPTER II

Amendments to the Central Excises and Salt Act, 1944

2. Amendment of section 2. — In section 2 of the Central Excises and Salt Act, 1944 (1 of 1944) (hereinafter in this Chapter referred to as the Central Excises Act), after clause (e), the following clause shall be inserted, namely : —

"(ee) 'Fund' means the Consumer Welfare Fund established under section 12-C ;"

3. Amendment of section 11-B. — In section 11-B of the Central Excises Act —

(a) in sub-section (1),—

(i) after the words "from the relevant date", the following shall be inserted, namely —

"in such form as may be prescribed and the application shall be accompanied by such documentary or other evidence (including the documents referred to in section 12-A) as the applicant may furnish to establish that the amount of duty of excise in relation to which such refund is claimed was collected from or paid by him and the incidence of such duty had not been passed on by him to any other person ;

Provided that where an application for refund has been made before the commencement of the Central Excises and Customs Laws (Amendment) Act, 1991, such application shall be deemed to have been made under this sub-section as amended by the said Act and the same shall be dealt with in accordance with the provisions of sub-section (2) as substituted by that Act :

(ii) in the existing proviso, for the words "Provided that", the words "Provided further that" shall be substituted ;

(b) for sub-sections (2) to (5), the following shall be substituted, namely :—

“(2) If, on receipt of any such application, the Assistant Collector of Central Excise is satisfied that the whole or any part of the duty of excise paid by the applicant is refundable, he may make an order accordingly and the amount so determined shall be credited to the Fund :

Provided that the amount of duty of excises as determined by the Assistant Collector of Central Excise under the foregoing provisions of this sub-section shall, instead of being credited to the Fund, be paid to the applicant, if such amount is relatable to —

(a) rebate of duty of excise on excisable goods exported out of India or on excisable materials used in the manufacture of goods which are exported out of India ;

(b) unspent advance deposits lying in balance in the applicant's account current maintained with the Collector of Central Excise :

(c), refund of credit of duty paid on excisable goods used as inputs in accordance with the rules made, or any notification issued, under this Act ;

(d) the duty of excise paid by the manufacturer, if he had not passed on the incidence of such duty to any other person ;

(e) the duty of excise borne by the buyer, if he had not passed on the incidence of such duty to any other person ;

(f) the duty of excise borne by any other such class of applicants as the Central Government may, by notification, in the Official Gazette, specify :

Provided further that no notification under clause (f) of the first proviso shall be issued unless in the opinion of the Central Government, the incidence of duty has not been passed on by the persons concerned to any other person.

(3) Notwithstanding anything to the contrary contained in any judgment, decree, order or direction of the Appellate Tribunal of any Court or in any other provision of this Act or the rules made thereunder or any other law for the time being in force, no refund shall be made except as provided in sub-section (2)

(4) Every notification under clause (f) of the first proviso to sub-section (2) shall be laid before each House of Parliament, if it is sitting, as soon as may be after the issue of the notification, and, if it is not sitting, within seven days of its re-assembly, and the Central Government shall seek the approval of Parliament to the notification by a resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before the House of the People and if Parliament makes any modification in the notification or directs that the notification should cease to have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, but without prejudice to the validity of anything previously done thereunder.

(5) For the removal of doubts, it is hereby declared that any notification issued under clause (f) of the first proviso to sub-section (2), including any such notification approved or modified under sub-section (4), may be rescinded by the Central Government at any time by notification in the Official Gazette.” ;

(c) in the Explanation, in clause (B), for sub-clause (c), the following sub-clause shall be substituted, namely :—

“(c) in the case of a person, other than the manufacturer, the date of

purchase of the goods by such person ;”.

4. Amendment of Section 11-C.—In Section 11-C of the Central Excises Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Where any notification under sub-section (1) in respect of any goods has been issued, the whole of the duty of excise paid on such goods or, as the case may be, the duty of excise paid in excess of that payable on such goods, which would not have been paid if the said notification had been in force, shall be dealt with in accordance with the provisions of sub-section (2) of section 11-B :

Provided that the person claiming the refund of such duty or, as the case may be, excess duty, makes an application in this behalf to the Assistant Collector of Central Excise, in the form referred to in sub-section (1) of Section 11-B, before the expiry of six months from the date of issue of the said notification.”.

5. Insertion of new Section 11-D.—After Section 11-C of the Central Excises Act, the following section shall be inserted, namely:—

“11-D. Duties of excise collected from the buyer to be deposited with the Central Government.—(1) Notwithstanding anything to the contrary contained in any order or direction of the Appellate Tribunal or any Court or in any other provision of this Act or the rules made thereunder, every person who has collected any amount from the buyer of any goods in any manner as representing duty of excise, shall forthwith pay the amount so collected to the credit of the Central Government.

(2) The amount paid to the credit of the Central Government under sub-section (1) shall be adjusted against the duty of excise payable by the person on finalisation of assessment and where any surplus is left after such adjustment, the amount of such surplus shall either be credited to the Fund or, as the case may be, refunded to the person who has borne the incidence of such amount, in accordance with the provisions of Section 11-B and the relevant date for making an application under that section in such cases shall be the date of the public notice to be issued by the Assistant Collector of Central Excise.”.

6. Insertion of new Chapter II-A.—After Chapter II of the Central Excises Act, the following Chapter shall be inserted, namely ;—

“CHAPTER II-A

Indicating Amount of Duty in the Price of Goods, etc.,
for Purpose of Refund and Crediting Certain
Amounts to the Fund

12-A. Price of goods to indicate the amount of duty paid thereon.—Notwithstanding anything contained in this Act or any other law for the time being in force, every person who is liable to pay duty of excise on any goods shall, at the time of clearance of the goods, prominently indicate in all the documents relating to assessment, sales invoice, and other like documents, the amount of such duty which will form part of the price at which such goods are to be sold.

12-B. Presumption that incidence of duty has been passed on to the buyer.—Every person who has paid the duty of excise on any goods under this Act shall, unless the contrary is proved by him, be deemed to have passed on the full incidence of such duty to the buyer of such goods.

12-C. Consumer Welfare Fund.—(1) There shall be established by the Central Government a fund, to be called the Consumer Welfare Fund.

(2) There shall be credited to the Fund, in such manner as may be prescribed,—

(a) the amount of duty of excise referred to in sub-section (2) of Section 11-B or sub-section (2) of Section 11-C or sub-section (2) of Section 11-D;

(b) the amount of duty of customs referred to in sub-section (2) of Section 27 or sub-section (2) of Section 28-A, or sub-section (2) of Section 28-B of the Customs Act, 1962 (52 of 1962);

(c) any income from investment of the amount credited to the Fund and any other monies received by the Central Government for the purposes of this Fund.

12-D. Utilisation of the Fund.—(1) Any money credited to the Fund shall be utilised by the Central Government for the welfare of the consumers in accordance with such rules as that Government may make in this behalf.

(2) The Central Government shall maintain or, if it thinks fit, specify the authority which shall maintain proper and separate account and other relevant records in relation to the Fund in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.”

7. Renumbering of existing Section 12-A as Section 12-K. In Chapter III of the Central Excises Act, existing Section 12-A shall be renumbered as Section 12-E.

8. Amendment of Section 37:—In Section 37 of the Central Excises Act, in sub-section (2), after clause (xxii), the following clauses shall be inserted, namely:—

“(xxiii) specify the form in which application for refund shall be made under Section 11-B;

(xxiv) provide for the manner in which money is to be credited to the Fund;

(xxv) provide for the manner in which the Fund shall be utilised for the welfare of the consumers;

(xxvi) specify the form in which the account and records relating to the Fund shall be maintained.”

CHAPTER III

Amendments to the Customs Act, 1962

9. Amendment of Section 2.—In Section 2 of the Customs Act, 1962 (52 of 1962) (hereinafter in this Chapter referred to as the Customs Act) after clause (21), the following clause shall be inserted, namely:—

“(21-A) ‘Fund’ means the Consumer Welfare Fund established under Section 12-C of the Central Excises and Salt Act, 1944 (1 of 1944);”.

10. Substitution of new section for Section 27.—For Section 27 of the Customs Act, the following section shall be substituted, namely:—

‘27. Claim for refund of duty.—(1) Any person claiming refund of any duty—

(i) paid by him in pursuance of an order of assessment; or

(ii) borne by him,

may make an application for refund of such duty to the Assistant Collector of Customs—

(a) in the case of any import made by any individual for his personal use or by Government or by any educational, research or charitable institution or

hospital, before the expiry of one year ;

(b) in any other case, before the expiry of six months,

from the date of payment of duty, in such form as may be specified in the regulations made in this behalf and the application shall be accompanied by such documentary or other evidence (including the documents referred to in Section 28-C) as the applicant may furnish to establish that the amount of duty in relation to which such refund is claimed was collected from, or paid by him and the incidence of such duty had not been passed on by him to any other person :

Provided that where an application for refund has been made before the commencement of the Central Excises and Customs Laws (Amendment) Act, 1991, such application shall be deemed to have been made under this sub-section and the same shall be dealt with in accordance with the provisions of sub-section (2) :

Provided further that the limitation of one year or six months, as the case may be, shall not apply where any duty has been paid under protest.

Explanation. For the purposes of this sub-section, "the date of payment of duty", in relation to a person other than the importer, shall be construed as "the date of purchase of goods" by such person.

(2) If on receipt of any such application, the Assistant Collector of Customs is satisfied that the whole or any part of duty paid by the applicant is refundable, he may make an order accordingly and the amount so determined shall be credited to the Fund :

Provided that the amount of duty as determined by the Assistant Collector of Customs under the foregoing provisions of this sub-section shall, instead of being credited to the Fund, be paid to the applicant, if such amount is relatable to—

(a) the duty paid by the importer, if he had not passed on the incidence of such duty to any other person ;

(b) the duty on imports made by an individual for his personal use ;

(c) the duty borne by the buyer, if he had not passed on the incidence of such duty to any other person ;

(d) the export duty as specified in Section 26 ;

(e) drawback of duty payable under Sections 74 and 75 ;

(f) the duty borne by any other such class of applicants as the Central Government may, by notification in the Official Gazette, specify :

Provided further that no notification under clause (f) of the first proviso shall be issued unless in the opinion of the Central Government, the incidence of duty has not been passed on by the persons concerned to any other person.

(3) Notwithstanding anything to the contrary contained in any judgment, decree, order direction of the Appellate Tribunal or any Court or in any other provisions of this Act or the regulations made thereunder or any other law for the time being in force, no refund shall be made except as provided in sub-section (2).

(4) Every notification under clause (f) of the first proviso to sub-section (2) shall be laid before each House of Parliament, if it is sitting, as soon as may be after the issue of the notification, and, if it is not sitting, within seven days of its re-assembly, and the Central Government shall seek the approval of Parliament to the notification by a resolution moved within a period of fifteen days

beginning with the day on which the notification is so laid before the House of the People and if Parliament makes any modification in the notification or directs that the notification should cease to have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, but without prejudice to the validity of anything previously done thereunder.

(5) For the removal of doubts, it is hereby declared that any notification issued under clause (f) of the first proviso to sub-section (2), including any such notification approved or modified under sub-section (4), may be rescinded by the Central Government at any time by notification in the Official Gazette.

11. Amendment of section 28-A.—In section 28-A of the Customs Act, for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) Where any notification under sub-section (1) in respect of any goods has been issued, the whole of the duty paid on such goods, or, as the case may be, the duty paid in excess of that payable on such goods, which would not have been paid if the said notification had been in force, shall be dealt with in accordance with the provisions of sub-section (2) of section 27 :

Provided that the person claiming the refund of such duty or, as the case may be, excess duty, makes an application in this behalf to the Assistant Collector of Customs, in the form referred to in sub-section (1) of section 27, before the expiry of six months from the date of issue of the said notification.”

12. Insertion of new Section 28-B.—In Chapter V of the Customs Act, after section 28A, the following section shall be inserted, namely :—

“28B. Duties collected from the buyer to be deposited with the Central Government. (1) Notwithstanding anything to the contrary contained in any order or direction of the Appellate Tribunal or any Court or in any other provision of this Act or the regulations made thereunder, every person who has collected any amount from the buyer of any goods in any manner as representing duty of customs, shall forthwith pay the amount so collected to the credit of the Central Government.

(2) The amount paid to the credit of the Central Government under sub-section (1) shall be adjusted against the duty payable by the person on finalisation of assessment and where any surplus is left after such adjustment, the amount of such surplus shall either be credited to the Fund or, as the case may be, refunded to the person who has borne the incidence of such amount, in accordance with the provisions of section 27 and the application under that section in such cases shall be made before the expiry of six months from the date of the public notice to be issued by the Assistant Collector of Customs.”

13. Insertion of new Chapter VA.—After Chapter V of the Customs Act, the following Chapter shall be inserted, namely :—

“CHAPTER VA

Indicating amount of Duty in the price of goods, etc., for purpose of refund

28C. Price of goods to indicate the amount of duty paid thereon.—Notwithstanding anything contained in this Act or any other law for the time being in force, every person who is liable to pay duty on any goods shall, at the time of clearance of the goods, prominently indicate in all the documents relating to assessment, sales invoice and other like documents, the amount of such duty which will form part of the price at which such goods are to be sold.

28D. Presumption that incidence of duty has been passed on to the buyer.—Every person who has paid the duty on any goods under this Act shall, unless the contrary is proved by him, be deemed to have passed on the full incidence of such duty to the buyer of such goods.”

14. Amendment of section 157.—In Section 157 of the Customs Act, in sub-section (2), after clause (a), the following clause shall be inserted, namely :—

“(aa) the form in which an application for refund shall be made under section 27;”.

15. Amendment of section 159.—In Section 159 of the Customs Act, for the word “rule”, wherever it occurs, the words “rule or regulation” shall be substituted.

THE APPROPRIATION (RAILWAYS) NO. 3 ACT, 1991

The following Act of Parliament received the assent of the President on the 30th July, 1991, and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 41-A, dated July 31, 1991.

INDIAN PARLIAMENT ACT NO. 29 OF 1991

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1991-92 for the purposes of Railways.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Appropriation (Railways) No. 3 Act, 1991.

(Text omitted.)

THE JAMMU AND KASHMIR CRIMINAL LAW AMENDMENT (SECOND AMENDING) ACT, 1991

The following Act of Parliament received the assent of the President on the 14th August, 1991, and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 45, dated August 16, 1991.

INDIAN PARLIAMENT ACT NO. 33 OF 1991

An Act further to amend the Jammu and Kashmir Criminal Law Amendment Act, 1983.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Jammu and Kashmir Criminal Law Amendment (Second Amending) Act, 1991.

(2) It shall be deemed to have come into force on the 16th day of June, 1991.

2. Amendment of section 4.—In the Jammu and Kashmir Criminal Law Amendment Act, 1983 (Jammu and Kashmir Act No. X of 1983), (hereinafter referred to as the principal Act), in section 4, in sub-section (3), for the words “one year”, the words “one year and six months” shall be substituted.

3. Repeal and saving.—(1) The Jammu and Kashmir Criminal Law (Amendment) Ordinance, 1991 (Jammu and Kashmir Ord. I of 1991), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

THE APPROPRIATION (NO. 4) ACT, 1991

The following Act of Parliament received the assent of the President on the 13th September, 1991, and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 50, dated September 14, 1991.

INDIAN PARLIAMENT ACT NO. 37 OF 1991

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1991-92.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :

1. Short title.—This Act may be called the Appropriation (No. 4) Act, 1991.

(Text; omitted.)

THE CONSTITUTION (SCHEDULED TRIBES) ORDER (SECOND AMENDMENT) ACT, 1991

The following Act of Parliament received the assent of the President on the 17th September, 1991, and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 51, dated September 17, 1991.

INDIAN PARLIAMENT ACT NO. 39 OF 1991

An Act to provide for the inclusion of certain tribes in the list of Scheduled Tribes specified in relation to the State of Karnataka.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :

1. Short title and commencement.—(1) This Act may be called the Constitution (Scheduled Tribes) Order (Second Amendment) Act, 1991.

*2. In the Schedule to the Constitution (Scheduled Tribes) Order, April, 1991.

2. Amendment of the Constitution (Scheduled Tribes) Order, 1950.—In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in "Part VI.—Karnataka", in item 38, the following shall be inserted at the end, namely :—

'Naik, Nayak, Beda, Bedar and Valmiki'.

3. Repeal and saving (1) The Constitution (Scheduled Tribes) Order (Second Amendment) Ordinance, 1991 (Ord. 7 of 1991), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Constitution (Scheduled Tribes) Order, 1950, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Order, as amended by this Act.

THE PUNJAB APPROPRIATION (VOTE ON ACCOUNT) NO. 2 ACT, 1991

The following Act of Parliament received the assent of the President on the 20th September, 1991, and was published in the Gazette of India, Extra-

*There is a misprint in the Gazette. Sub-section (2) is not correctly printed-

ordinary, Part II, Section 1, No. 59, dated September 20, 1991.

INDIAN PARLIAMENT ACT NO. 45 OF 1991

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Punjab for the service of a part of the financial year 1991-92.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Punjab Appropriation (Vote on Account) No. 2 Act, 1991.

(Text omitted.)

THE JAMMU AND KASHMIR APPROPRIATION (NO. 3) ACT, 1991

The following Act of Parliament received the assent of the President on the 20th September, 1991, and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 58, dated September 20, 1991.

INDIAN PARLIAMENT ACT NO. 46 OF 1991

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Jammu and Kashmir for the services of the financial year 1991-92.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Jammu and Kashmir Appropriation (No. 3) Act, 1991.

(Text omitted.)

THE WILD LIFE (PROTECTION) AMENDMENT ACT, 1991

The following Act of Parliament received the assent of the President on the 20th September, 1991, and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 60, dated 20 September, 1991.

INDIAN PARLIAMENT ACT NO. 44 OF 1991

An Act further to amend the Wild Life (Protection) Act, 1972.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Wild Life (Protection) Amendment Act, 1991.

(2) It shall come into force on such date as the Central Government may, by notification, appoint and different dates may be appointed for different provisions of this Act.

2. Amendment of long title.—In the Wild Life (Protection) Act, 1972 (53 of 1972), (hereinafter referred to as the principal Act), in the long title, for the words "wild animals and birds", the words "wild animals, birds and plants" shall be substituted.

3. Omission of the preamble.—In the principal Act, after the long title, the preamble shall be omitted.

4. Amendment of section 1.—In section 1 of the principal Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely :

"(2) It extends to the whole of India except the State of Jammu and

Kashmir.”;

(b) in sub-section (3), the words “,or may become extended in future,” shall be omitted.

5. Amendment of section 2.—In section 2 of the principal Act,—

(a) in clause (2), for the words “has been used”, the words “has been used, and ivory imported into India and an article made therefrom” shall be substituted ;

(b) clause (3) shall be omitted ;

(c) clause (6) shall be omitted ;

(d) after clause (7), the following clause shall be inserted, namely :—

“(7A) “circus” means an establishment, whether stationary or mobile, where animals are kept or used wholly or mainly for the purpose of performing tricks or manoeuvres;”;

(e) in clause (11), for the words “or meat”, the words “meat or specified plant” shall be substituted ;

(f) after clause (12), the following clause shall be inserted, namely :—

“(12A) “Forest Officer” means the Forest Officer appointed under clause (2) of section 2 of the Indian Forest Act, 1927 (16 of 1927);”;

(g) clause (13) shall be omitted ;

(h) in clause (14), after the figures “39”, the words, figures and letter “or section 17H” shall be inserted ;

(i) in clause (17), for the words “and also includes boulders and rocks”, the words “marshes and wetlands and also includes boulders and rocks” shall be substituted ;

(j) after clause (18), the following clause shall be inserted, namely :—

“(18A) “live-stock” includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, horses, mules, pigs, sheep, yaks and also includes their young;”;

(k) after clause (25), the following clauses shall be inserted, namely :—

“(25A) “recognised zoo” means a zoo recognised under section 38H ;

“(25B) “reserve forest” means the forest declared to be reserved by the State Government under section 20 of the Indian Forest Act, 1927 (16 of 1927);”;

(l) in clause (26), for the figures “18”, the figures and letter “26A” shall be substituted ;

(m) for clause (27), the following clause shall be substituted, namely :—

“(27) “specified plant” means any plant specified in Schedule VI;”;

(n) after clause (30), the following clause shall be inserted, namely :—

“(30A) “territorial waters” shall have the same meaning as in section 3 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976) ;”;

(o) in clause (32), for the words “freshly-killed wild animal”, the words “freshly-killed wild animal, ambergris, musk and other animal products” shall be substituted ;

(p) after clause (38), the following clause shall be inserted, namely :—

“(39) “zoo” means an establishment, whether stationary or mobile, where captive animals are kept for exhibition to the public but does not include a circus and an establishment of a licensed dealer in captive animals.”.

6. Amendment of section 4.—In section 4 of the principal Act—

(a) in sub-section (1),—

(i) in clause (b), the word "and" shall be omitted ;
 (ii) after clause (b), the following clause shall be inserted, namely :—
 "(bb) one Honorary Wild Life Warden in each district ; and" ;
 (b) in sub-section (3), for the words "The Wild Life-Warden", the words "The Wild Life Warden, the Honorary Wild Life Warden" shall be substituted.

7. Amendment of section 6— In section 6 of the principal Act, —

(a) in sub-section (1),—

(i) for clause (d), the following clause shall be substituted, namely :—

"(d) the Forest Officer-in-charge of the State Forest Department, by whatever designation called 'ex officio' ;"

(ii) for clause (g), the following clauses shall be substituted, namely :—

"(g) officers of the State Government not exceeding five ;

(h) such other persons, not exceeding ten, who, in the opinion of the State Government, are interested in the protection of wild life, including the representatives of tribals not exceeding three." ;

(b) after sub-section (1), as so amended, the following sub-section shall be inserted, namely :

"(1A) The State Government may appoint a Vice-Chairman of the Board from amongst the members referred to in clauses (b) and (h) of sub-section (1)."

(c) in sub-section (2), for the words "Chief Conservator of Forests", the words "the Forest Officer-in-charge of the State Forest Department" shall be substituted.

8. Amendment of section 8 — In section 8 of the principal Act, —

(i) in clause (a), the words ", game reserves" shall be omitted ;

(ii) for clause (b), the following clause shall be substituted, namely :

"(b) in formulation of the policy for protection and conservation of the wild life and specified plants ;"

(iii) in clause (c), word "and" shall be omitted ;

(iv) after clause (c), the following clause shall be inserted, namely :—

"(cc) in relation to the measures to be taken for harmonising the needs of the tribals and other dwellers of the forest with the protection and conservation of wild life ; and".

9. Substitution of new section for section 9.—For section 9 of the principal Act, the following section shall be substituted, namely :

"9 Prohibition of hunting.—No person shall hunt any wild animal specified in Schedules I, II, III and IV except as provided under section 11 and section 12."

10. Omission of section 10.—Section 10 of the principal Act shall be omitted.

11. Amendment of section 12. In section 12 of the principal Act, for clause (c), the following clauses shall be substituted, namely :—

"(c) collection of specimens—

(i) for recognised zoos subject to the permission under section 38-I ; or

(ii) for museums and similar institutions ;

(d) derivation, collection or preparation of snake venom for the manufacture of life-saving drugs ;"

12. Omission of sections 13 to 17.—Sections 13 to 17 (both inclusive) of the principal Act shall be omitted.

13. Insertion of new Chapter IIIA.—After Chapter III of the principal

Act, the following Chapter shall be inserted, namely :—

"CHAPTER IIIA

Protection of Specified Plants

17A. Prohibition of picking, uprooting, etc., of specified plants.—Save as otherwise provided in this Chapter, no person shall—

(a) wilfully pick, uproot, damage, destroy, acquire or collect any specified plant from any forest land and any area specified, by notification, by the Central Government ;

(b) possess, sell, offer for sale, or transfer by way of gift or otherwise, or transport any specified plant, whether alive or dead, or part or derivative thereof :

Provided that nothing in this section shall prevent a member of a scheduled tribe, subject to the provisions of Chapter IV, from picking, collecting or possessing in the district he resides any specified plant or part or derivative thereof for his bona fide personal use.

17B. Grant of permit for special purposes.—The Chief Wild Life Warden may, with the permission of the State Government, grant to any person a permit to pick, uproot, acquire or collect from a forest land or the area specified under section 17A or transport, subject to such conditions as may be specified therein, any specified plant for the purpose of—

(a) education ;

(b) scientific research ;

(c) collection, preservation and display in a herbarium of any scientific institution ; or

(d) propagation by a person or an institution approved by the Central Government in this regard.

17C. Cultivation of specified plants without licence prohibited.—(1) No person shall cultivate a specified plant except under and in accordance with a licence granted by the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf :

Provided that nothing in this section shall prevent a person, who, immediately before the commencement of the Wild Life (Protection) Amendment Act, 1991, was cultivating a specified plant, from carrying on such cultivation for a period of six months from such commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.

(2) Every licence granted this section shall specify the area in which and the conditions, if any, subject to which the licensee shall cultivate a specified plant.

17D. Dealing in specified plants without licence prohibited.—(1) No person shall, except under and in accordance with a licence granted by the Chief Wild Life Warden or any other officer, authorised by the State Government in this behalf, commence or carry on business or occupation as a dealer in a specified plant or part or derivate thereof ;

Provided that nothing in this section shall prevent a person, who immediately before the commencement of the Wild Life (Protection) Amendment Act, 1991, was carrying on such business or occupation, from carrying on such business or occupation for a period of sixty days from such commencement, or where he has made an application within that period for the grant of a

licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.

(2) Every licence granted under this section shall specify the premises in which and the conditions, if any, subject to which the licensee shall carry on his business.

17E. Declaration of stock.—(1) Every person cultivating, or dealing in, a specified plant or part or derivative thereof shall, within thirty days from the date of commencement of the Wild Life (Protection) Amendment Act, 1991 declare to the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf, his stocks of such plants and part or derivative thereof, as the case may be, on the date of such commencement.

(2) The provisions of sub-sections (3) to (8) (both inclusive) of section 44, section 45, section 46 and section 47 shall, as far as may be, apply in relation to an application and a licence referred to in section 17C and section 17D as they apply in relation to the licence or business in animals or animal articles.

17F. Possession etc., of plants by licensee.—No licensee under this Chapter shall—

(a) keep in his control, custody or possession—

(i) any specified plant, or part or derivative thereof in respect of which a declaration under the provisions of section 17E has to be made but has not been made ;

(ii) any specified plant, or part or derivative thereof which has not been lawfully acquired under the provisions of this Act or any rule or order made thereunder ;

(b) (i) pick, uproot, collect or acquire any specified plant, or

(ii) acquire, receive, keep in his control, custody or possession, or sell, offer for sale or transport, any specified plant or part or derivative thereof, except in accordance with the conditions subject to which the licence has been granted and such rules as may be made under this Act.

17G. Purchase, etc. of specified plants.—No person shall purchase, receive or acquire any specified plant or part or derivative thereof otherwise than from a licensed dealer :

Provided that nothing on this section shall apply to any person referred to in section 17B.

17H. Plants to be Government property.—(1) Every specified plant or part or derivative thereof, in respect of which any offence against this Act or any rule or order made thereunder has been committed, shall be the property of the State Government, and where such plant or part or derivative thereof has been collected or acquired from a sanctuary or National Park declared by the Central Government such plant or part or derivative thereof shall be the property of the Central Government.

(2) The provisions of sub-sections (2) and (3) of section 39 shall, as far as may be, apply in relation to the specified plant or part or derivative thereof or they apply in relation to wild animals and articles referred to in sub-section (1) of that section".

14 Amendment of heading of Chapter IV.—In Chapter IV of the principal Act, in the heading thereof, the words "Game Reserves" shall be omitted.

15 Amendment of section 18.—In section 18 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) The State Government may, by notification, declare its intention to constitute any area other than an area comprised within any reserve forest or the territorial waters as a sanctuary if it considers that such area is of adequate ecological, faunal, floral, geomorphological significance for the purpose of protecting, propagating or developing wild life or its environment."

16. Amendment of section 19.—In section 19 of the principal Act, for the words "Whenever any area is declared to be a sanctuary," the words and figures "When a notification has been issued under section 18," shall be substituted.

17. Amendment of section 24.—In section 24 of the principal Act, in sub-section (2), after clause (b), the following clause shall be inserted, namely :—

'(c) allow, in consultation with the Chief Wild Life Warden, the continuance of any right of any person in or over any land within the limits of the sanctuary'.

18. Insertion of new section 26A.—After section 26 of the principal Act, the following section shall be inserted, namely :—

"26A. Declaration of area as sanctuary.—(1) When —

(a) a notification has been issued under section 18 and the period for preferring claims has elapsed, and all claims, if any, made in relation to any land in an area intended to be declared as a sanctuary, have been disposed of by the State Government ; or

(b) any area comprised within any reserve forest or any part of the territorial waters, which is considered by the State Government to be of adequate ecological, faunal, floral, geomorphological, natural or zoological significance for the purpose of protecting, propagating or developing wild life or its environment, is to be included in a sanctuary,

the State Government shall issue a notification specifying the limits of the area which shall be comprised within the sanctuary and declare that the said area shall be a sanctuary on and from such date as may be specified in the notification ;

Provided that where any part of the territorial waters is to be so included, prior concurrence of the Central Government shall be obtained by the State Government :

Provided further that the limits of the area of the territorial waters to be included in the sanctuary shall be determined in consultation with the Chief Naval Hydrographer of the Central Government and after taking adequate measures to protect the occupational interests of the local fishermen.

(2) Notwithstanding anything contained in sub-section (1), the right of innocent passage of any vessel or boat through the territorial waters shall not be affected by the notification issued under sub-section (1).

(3) No alteration of the boundaries of a sanctuary shall be made except on a resolution passed by the Legislature of the State."

19. Amendment of section 27.—In section 27 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely :—

"(3) No person shall, with intent to cause damage to any boundary-mark of a sanctuary or to cause wrongful gain as defined in the Indian Penal Code, after destroy, move or deface such boundary-mark.

(4) No person shall tease or molest any wild animal or litter the grounds

of sanctuary.”.

20. Substitution of new section for section 29.—For section 29 of the principal Act, the following section shall be substituted, namely :—

“29. Destruction, etc in a sanctuary prohibited without a permit.—No person shall destroy, exploit or remove any wild life from a sanctuary or destroy or damage the habitat of any wild animal or deprive any wild animal its habitat within such sanctuary except under and in accordance with a permit granted by the Chief Wild Life Warden and no such permit shall be granted unless the State Government, being satisfied that such destruction, exploitation or removal of wild life from the sanctuary is necessary for the improvement and better management of wild life thereon, authorises the issue of such permit.

Explanation.—For the purposes of this section, grazing or movement of live-stock permitted under clause (d) of section 33 shall not be deemed to be an act prohibited under this section.”.

21. Amendment of section 33.—In section 33 of the principal Act,—

(a) in clause (d), for the word “cattle”, the word “live-stock”, shall be substituted ;

(b) clause (c) shall be omitted.

22. Insertion of new section 33A.—After section 33 of the principal Act, the following section shall be inserted, namely :—

“33A. Immunisation of live-stock.—(1) The Chief Wild Life Warden shall take such measures in such manner, as may be prescribed for immunisation against communicable diseases of the live-stock kept in or within five kilometres of a sanctuary.

(2) No person shall take, or cause to be taken or grazed, any live-stock in a sanctuary without getting it immunised.”.

22A. Amendment of section 34.—In section 34 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—

“(3) No new licences under the Arms Act, 1959 (54 of 1959), shall be granted within a radius of ten kilometres of a sanctuary without the prior concurrence of the Chief Wild Life Warden.”.

23. Amendment of section 35.—In section 35 of the principal Act,—

(a) in sub-section (1), the following proviso shall be added at the end, namely :—

“Provided that where any part of the territorial waters is proposed to be included in such National Park, the provisions of section 26A shall, as far as may be, apply in relation to the declaration of a National Park as they apply in relation to the declaration of a sanctuary.”;

(b) in sub-section (3), for the figures, words and brackets “19 to 26 (both inclusive)”, the figures, words, letters and brackets “19 to 26A (both inclusive except clause (c) of sub-section (2) of section 24)” shall be substituted ;

(c) in sub-section (7), for the word “cattle”, wherever it occurs, the word “live stock” shall be substituted ;

(d) in sub-section (8), for the word and figures “section 33”, the words, figures and letter “section 33, section 33A” shall be substituted.

24. Omission of section 36 and sub-heading thereof.—In Chapter IV of the principal Act, the sub-heading “Game Reserve”, and section 36 below it, shall be omitted.

25. Amendment of section 38.—In section 38 of the Principal Act, in sub-section (1), for the words and figures "sections 19 to 35", the words and figures "sections 18 to 35" shall be substituted.

26. Insertion of new Chapter IVA.—After Chapter IV of the principal Act the following Chapter shall be inserted, namely :—

"CHAPTER IV A.

Central Zoo Authority and recognition of zoos

38A. Constitution of Central Zoo Authority.—(1) The Central Government shall constitute a body to be known as the Central Zoo Authority (hereinafter in this Chapter referred to as the Authority), to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The Authority shall consist of—

- (a) chairperson ;
- (b) such number of members not exceeding ten ; and
- (c) Member Secretary.

to be appointed by the Central Government.

38B. Term of office and conditions of service of chairperson and members etc.—(1) The chairperson and every member shall hold office for such period, not exceeding three years, as may be specified by the Central Government in this behalf.

(2) The chairperson or a member may, by writing under his hand addressed to the Central Government, resign from the office of chairperson or, as the case may be, of the member.

(3) The Central Government shall remove a person from the office of chairperson or member referred to in sub-section (2) if that person—

- (a) becomes an undischarged insolvent ;
- (b) gets convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude ;
- (c) becomes of unsound mind and stands so declared by a competent court ;
- (d) refuses to act or becomes incapable of acting ;
- (e) is, without obtaining leave of absence from the authority, absent from three consecutive meetings of the Authority ; or

(f) in the opinion of the Central Government has so abused the position of chairperson or member as to render that person's continuance in office detrimental to the public interest :

Provided that no person shall be removed under this clause unless that person has been given a reasonable opportunity of being heard in the matter.

(-) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh appointment.

(5) The salaries and allowances and other conditions of appointment of chairperson, member-Secretary of the Authority shall be such as may be prescribed.

(6) The Authority shall, with the previous sanction of the Central Government, employ such officers and other employees as it deems necessary to carry out the purposes of the Authority.

(7) The terms and conditions of service of the officers and other employees of the Authority shall be such as may be prescribed.

(8) No act or proceeding of the Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancies or defect in

the constitution of the Authority.

38C. Functions of the Authority.—The Authority shall perform the following functions namely :—

(a) specify the minimum standards for housing, upkeep and veterinary care of the animals kept in a zoo ;

(b) evaluate and assess the functioning of zoos with respect to the standards or the norms as may be prescribed ;

(c) recognise or derecognize zoos.

(d) identify endangered species of wild animals for purposes of captive breeding and assigning responsibility in this regard to a zoo ;

(e) co-ordinate the acquisition, exchange and loading of animals for breeding purposes ;

(f) ensure maintenance of stud-books of endangered species of wild animals bred in captivity ;

(g) identify priorities and themes with regard to display of captive animals in a zoo ;

(h) co-ordinate training of zoo personnel in India and outside India ;

(i) co-ordinate research in captive breeding and educational programmes for the purposes of zoos ;

(j) provide technical and other assistance to zoos for their proper management and development on scientific lines ;

(k) perform such other functions as may be necessary to carry out the purposes of this Act with regard to zoos.

38D. Procedure to be regulated by the Authority.—(1) The Authority shall meet as and when necessary and shall meet at such time and place as the chairperson may think fit.

(2) The Authority shall regulate its own procedure.

(3) All orders and decisions of the Authority shall be authenticated by the Member-Secretary or any other officer of the Authority duly authorised by the Member-Secretary in this behalf.

38E. Grants and loans to Authority and constitution of fund.—(1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority grants and loans of such sums of money as that Government may consider necessary.

(2) There shall be constituted a Fund to be called the Central Zoo Authority Fund and there shall be credited thereto any grants and loans made to the Authority by the Central Government, all fees and charges received by the Authority under this Act and all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(3) The Fund referred to in sub-section (2) shall be applied for meeting salary, allowances and other remuneration of the members, officers and other employees of the Authority and the expenses of the Authority in the discharge of its functions under this Chapter and expenses on objects and for purposes authorised by this Act.

(4) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(5) The accounts of the Authority shall be audited by the Comptroller and Auditor General at such intervals as may be specified by him and any

expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General.

(6) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.

(7) The accounts of the Authority, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government by the Authority.

38F. Annual report.—The Authority shall prepare in such form and at such time, for each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

38G. Annual report and audit report to be laid before Parliament.—The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report to be laid as soon as may be after the reports are received, before each House of Parliament.

38H. Recognition of zoos.—(1) No zoo shall be operated without being recognised by the Authority :

Provided that a zoo being operated immediately before the date of commencement of the Wild Life (Protection) Amendment Act, 1991 may continue to operate without being recognised for a period of six months from the date of such commencement and if the application seeking recognition is made within that period, the zoo may continue to be operated until the said application is finally decided or withdrawn and in case of refusal for a further period of six months from the date of such refusal.

(2) Every application for recognition of a zoo shall be made to the Authority in such form and on payment of such fee as may be prescribed.

(3) Every recognition shall specify the conditions, if any, subject to which the applicant shall operate the zoo.

(4) No recognition to a zoo shall be granted unless the Authority, having due regard to the interests of protection and conservation of wild life, and such standards, norms and other matters as may be prescribed, is satisfied that recognition should be granted.

(5) No application for recognition of a zoo shall be rejected unless the applicant has been given a reasonable opportunity of being heard.

(6) The Authority may, for reasons to be recorded by it, suspend or cancel any recognition granted under sub-section (4) :

Provided that no such suspension or cancellation shall be made except after giving the person operating the zoo a reasonable opportunity of being heard.

(7) An appeal from an order refusing to recognise a zoo under sub-section (5) or an order suspending or cancelling a recognition under sub-section (6) shall lie to the Central Government.

(8) An appeal under sub-section (7) shall be preferred within thirty days from the date of communication, to the applicant, of the order appealed against :

Provided that the Central Government may admit any appeal preferred after the expiry of the period aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

38-I Acquisition of animals by a zoo.—Subject to the other provisions of this Act, no zoo shall acquire or transfer any wild animal specified in Schedule I and Schedule II except with the previous permission of the Authority.

38J. Prohibition of teasing etc., in a zoo.—No person shall tease, molest, injure or feed any animal or cause disturbance to the animals by noise or otherwise, or litter the grounds in a zoo."

26. Amendment of section 30.—In section 39 of the principal Act, in sub-section (1),—

(i) for the words "bred in captivity", the words "bred in captivity or hunted" shall be substituted ;

(ii) the words "without a licence or" shall be omitted ;

(b) after clause (b), the following clauses shall be inserted, namely :—

"(c) ivory imported into India and an article made from such ivory in respect of which any offence against this Act or any rule or order made thereunder has been committed ;

(d) vehicle, vessel, weapon, trap or tool that has been used for committing an offence and has been seized under the provisions of this Act;" ;

(e) in the long paragraph, for the words, "derived from such animal", the words "derived from such animal or any vehicle, vessel weapon, trap or tool used in such hunting" shall be substituted.

28. Amendment of section 40.—In section 40 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) Nothing in sub-section (1) or sub-section (2) shall apply to a recognised zoo subject to the provisions of section 38-I or to a public museum."

29. Amendment of section 43.—In section 43 of the principal Act, in sub-section (6),—

(i) for clause (a), the following clause shall be substituted, namely :—

"(a) to tail feather of peacock and the animal articles or trophies made therefrom;" ;

(ii) for clause (b), the following clause shall be substituted, namely :—

"(b) to any transaction entered into by a recognised zoo subject to the provisions of section 38-I or by a public museum with any other recognised zoo or public museum."

30. Amendment of section 44. In section 44 of the principal Act, in sub-section (1),—

(i) in clause (a), sub-clause (ia) shall be omitted ;

(ii) after clause (b) the following clause shall be inserted, namely :—

"(c) derive, collect or prepare, or deal in, snake venom ;"

(iii) for the second proviso, the following proviso shall be substituted, namely :

"Provided further that nothing in this sub-section shall apply to the dealers in tail feather of peacock and articles made therefrom and the manufacturers of such articles."

31. Insertion of new section 48A.—After section 48 of the principal Act the following section shall be inserted, namely :—

"48A. Restriction on transportation of wild life.—No person shall accept any wild animal (other than venom), or any animal article, or any specified plant or part or derivative thereof, for transportation except after exercising due care to ascertain that permission from the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf has been obtained for such transportation."

32. Amendment of section 49.—In section 49 of the principal Act, for the proviso the following proviso shall be substituted, namely :—

"Provided that nothing in this section shall apply to a recognised zoo subject to the provisions of section 38-I or to a public museum."

33. Amendment of section 49A.—In section 49A of the principal Act, —

(a) in clause (b), for the words "has been used", the words "has been used but does not include tail feather of peacock, an article or trophy made therefrom and snake venom or its derivative;" shall be substituted ;

(b) in clause (c),—

(i) in sub-clause (i), after the words "from such commencement", the word "and" shall be omitted ;

(ii) after sub-clause (ii), the following sub-clause shall be inserted, namely :—

"(iii) in relation to ivory imported into India or an article made from such ivory, the date of expiry of six months from the commencement of the Wild Life (Protection) Amendment Act, 1991."

34. Amendment of section 49B.—In section 49B of the principal Act: in sub-section (1), in clause (a), after sub-clause (i), the following sub-clause shall be inserted, namely :—

"(ia) a dealer in ivory imported into India or articles made therefrom or a manufacturer of such articles; or".

35. Amendment of section 49C.—In section 49C of the principal Act,—

(a) in sub-section (1), in clause (a), after sub-clause (iv), the following sub-clause shall be inserted, namely :—

"(v) ivory imported into India or articles made therefrom;"

(b) in sub-section (7) for the words "any scheduled animal or a scheduled animal article", the words "any scheduled animal, a scheduled animal article or ivory imported into India or any article made therefrom."

36. Amendment of section 50.—In section 50 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (a), for the words "trophy or uncured trophy", the words "trophy, uncured trophy, specified plant or part or derivative thereof" shall be substituted ;

(ii) for clause (c), the following clause shall be substituted, namely :—

"(c) seize any captive animal, wild animal, animal article, meat, trophy or uncured trophy, or any specified plant or part or derivative thereof, in respect of which an offence against this Act appears to have been committed, in the possession of any person together with any trap, tool, vehicle, vessel or



weapon used for committing any such offence and, unless he is satisfied that such person will appear and answer any charge which may be preferred against him, arrest him without warrant, and detain him :

Provided that where a fisherman, residing within ten kilometres of a sanctuary or National Park inadvertently enters on a boat, not used for commercial fishing, in the territorial waters in that sanctuary or National Park, a fishing tackle or net on such boat shall not be seized.":

(b) sub-section (2) shall be omitted ;

(c) after sub-section (3), the following sub-section shall be inserted, namely :—

“(3A) Any officer of a rank not inferior to that of an Assistant Director of Wild Life Preservation or Wild Life Warden, who, or whose subordinate, has seized any captive animal or wild animal under clause (c) of sub-section (1) may give the same for custody on the execution by any person of a bond for the production of such animal if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.”;

(d) in sub-section (6), for the words “meat or uncured trophy”, wherever they occur, the words “meat, uncured trophy, specified plant, or part or derivative thereof” shall be substituted ;

(e) after sub-section (7), the following sub-sections shall be inserted, namely :—

“(8) Notwithstanding anything contained, in any other law for the time being in force, any officer not below the rank of an Assistant Director of Wild Life Preservation or Wild Life Warden shall have the powers, for purposes of making investigation into any offence against any provision of this Act, —

(a) to issue a search warrant :

(b) to enforce the attendance of witnesses ;

(c) to compel the discovery and production of documents and material objects ; and

(d) to receive and record evidence.

(9) Any evidence recorded under clause (d) of sub-section (8) shall be admissible in any subsequent trial before a Magistrate provided that it has been taken in the presence of the accused person”.

37. Amendment of section 51. —In section 51 of the principal Act, —

(a) in sub-section (1), —

(i) for the brackets, words, figures and letter “(except Chapter VA)”, the brackets, words, figures and letters “(except Chapter VA and section 38J)”, for the words “two years”, the words “three years” and for the words “two thousand rupees” the words “twenty-five thousand rupees” shall be substituted;

(ii) in the first proviso, for the words “relates to hunting in”, the words “relates to hunting in, or altering the boundaries of,”, for the words “six months”, the words “one year” and for the words “five hundred rupees”, the words “five thousand rupees” shall be substituted ;

(iii) for the second proviso, the following proviso shall be substituted, namely :—

“Provided further that in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of imprisonment may extend to six years and shall not be less than two years and the amount of fine shall

not be less than ten thousand rupees.”;

(b) after sub-section (IA), the following sub-section shall be inserted, namely:—

“(IB) Any person who contravenes the provisions of section 38J shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both :

Provided that in the case of a second or subsequent offence, the term of imprisonment may extend to one year or the fine may extend to five thousand rupees.”;

(c) in sub-section (2), for the words “uncured trophy or meat”, the words “uncured trophy, meat, ivory imported into India or an article made from such ivory, any specified plant, or part or derivative thereof” shall be substituted;

(d) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) Nothing contained in section 360 of the Code of Criminal Procedure, 1973 (2 of 1974), or in the Probation of Offenders Act, 1958 (20 of 1958) shall apply to a person convicted of an offence with respect to hunting in a sanctuary or a National Park or of an offence against any provision of Chapter VA unless such person is under eighteen years of age.”.

38. **Amendment of section 54.**—In section 54 of the principal Act, in sub-section (1), for the words “The State Government”, the words “The Central Government may, by notification, empower the Director of Wild Life Preservation or any other officer and the State Government” shall be substituted.

39. **Substitution of new section for section 55.**—For section 55 of the principal Act, the following section shall be substituted, namely:—

“55. **Cognizance of offences.**—No court shall take cognizance of any offence against this Act on the complaint of any person other than—

(a) the Director of Wild Life Preservation or any other officer authorised in this behalf by the Central Government; or

(b) the Chief Wild Life Warden, or any other officer authorised in this behalf by the State Government; or

(c) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the State Government or the officer authorised as aforesaid.”.

40. **Amendment of section 57.**—In section 57 of the principal Act, for the words “trophy or uncured trophy”, wherever they occur, the words “trophy, uncured trophy, specified plant, or part or derivative thereof” shall be substituted.

41. **Amendment of section 59.**—In section 59 of the principal Act, for the words and figures “in Chapter II and”, the words, figures and letter “in Chapter II and”, the words, figures and letter “in Chapter II and the Chairperson, members, member-secretary and other officers and employees referred to in Chapter IVA” shall be substituted.

42. **Amendment of section 60.**—In section 60 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) No suit or other legal proceeding shall lie against the Authority

referred to in Chapter IVA and its chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act."

43. **Insertion of new section 60H.**—After section 60 of the principal Act, the following section shall be inserted, namely :—

"60A. **Reward to persons.**—(1) When a court imposes a sentence of fine or a sentence of which fine forms a part, the court may, when passing judgment, order that the reward be paid to a person who renders assistance in the detection of the offence or the apprehension of the offenders out of the proceeds of fine not exceeding twenty per cent of such fine.

(2) When a case is compounded under section 54, the officer compounding may order reward to be paid to a person who renders assistance in the detection of the offence or the apprehension of the offenders out of the sum of money accepted by way of composition not exceeding twenty per cent of such person."

44. **Amendment of section 61.**—In section 61 of the principal Act,—

(a) in sub-section (1), for the words "add any entry to any Schedule", the words "add or delete any entry to or from any Schedule" shall be substituted ;

(b) sub-section (2) shall be omitted ;

(c) in sub-section (3), the words, brackets and figure "or sub-section (2)" shall be omitted ;

(d) sub-section (4) shall be omitted.

45. **Amendment of section 62.**—In section 62 of the principal Act, after sub-section (3), the following words "subject to the provisions of section 61, the State Government", the words "The Central Government" shall be substituted.

46. **Amendment of section 63.**—In section 63 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) The Central Government may, by notification, make rules for all or any of the following matters, namely :—

(a) conditions and other matters subject to which a licensee may keep any specified plant in his custody or possession under section 17F ;

(b) the salaries and allowances and other conditions of appointment of chairperson, members and member-secretary under sub-section (5) of section 38E ;

(c) the terms and conditions of service of the officers and other employees of the Central Zoo Authority under sub-section (7) of section 38B ;

(d) the form in which the annual statement of accounts of the Central Zoo Authority shall be prepared under sub-section (4) of section 38E ;

(e) the form in which and the time at which the annual report of the Central Zoo Authority shall be prepared under section 38F ;

(f) the form in which and the fee required to be paid with the application for recognition of a zoo under sub-section (2) of section 38H ;

(g) the standards, norms and other matters to be considered for granting recognition under sub-section (4) of section 38H ;

(h) the form in which declaration shall be made under sub-section (2) of section 44 ;

(i) the matters to be prescribed under clause (b) of sub-section (4) of

section 44 ;

(j) the terms and conditions which shall govern transactions referred to in clause (b) of section 48 ;

(k) the manner in which notice may be given by a person under clause (c) of section 55 ;

(l) the matters specified in sub-section (2) of section 64 in so far as they relate to sanctuaries and National Parks declared by the Central Government.”.

47. Amendment of section 64.—In section 64 of the principal Act, in sub-section (2), after clause (e) the following clause shall be inserted, namely :—

“(ee) the manner in which measures for immunisation of live-stock shall be taken;”.

48. Amendment of section 66.—In section 66 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely :—

“(4) For the removal of doubts, it is hereby further declared that where any proceeding under any provision of sections 19 to 25 (both inclusive) is pending on the date of commencement of the Wild Life (Protection) Amendment Act, 1991, any reserve forest or a part of territorial waters comprised within a sanctuary declared under section 18 to be a sanctuary before the date of such commencement shall be deemed to be a sanctuary declared under section 26A.”.

49. Amendment of Schedule II.—In Schedule II to the principal Act, in the heading, the figures “10” and the words “Special Game” shall be omitted.

50. Amendment of Schedule III.—In Schedule III to the principal Act, in the heading, the figures “10” and the words “Big Game” shall be omitted.

51. Amendment of Schedule IV.—In Schedule IV to the principal Act, the heading “Small Game” shall be omitted.

52. Insertion of new Schedule VI.—After Schedule V to the principal Act, the following Schedule shall be omitted.

“SCHEDULE VI

(See section 2)

1. *Beddomea cycad* (*Cycas beddomei*)
2. Blue Vanda (*Vanda coerules*)
3. Kath (*Saussurea lappa*)
4. Ladies slipper orchid (*Paphiopedilum* spp.)
5. Pitcher Plant (*Nepenthes khasiana*)
6. Red Vanda (*Rananchora irischootiana*).”.

END

THE RAJASTHAN MOTOR TRANSPORT VEHICLES TOLL ACT, 1991

The following Act of the Rajasthan State Legislature received the assent of the Governor on 23rd September, 1991 and was published in the Rajasthan Gazette, Extraordinary, Part 4(Ka), dated 24th September, 1991.

RAJASTHAN ACT NO. 12 OF 1991

An Act to provide for the levy of toll on certain Motor Vehicles entering in the State of Rajasthan and for matters connected therewith or incidental thereto.

Be it enacted by the Rajasthan State Legislature in the Forty-second Year of the Republic of India as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Rajasthan Motor Transport Vehicles Toll Act, 1991.

(2) It shall extend to the whole of the State of Rajasthan.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.— In this Act, unless the context otherwise requires,—

(a) "Barrier" means a barrier established under section 4 of the Act ;

(b) "Day" means a calendar day ;

(c) "Motor Transport Vehicles" means Stage Carriage, Contract Carriage or Goods Carriage as defined in the Motor Vehicles Act, 1988 (Central Act 59 of 1988) ;

(d) "Operator" means any person whose name is entered in the permit in respect of the Motor Transport Vehicles as the holder thereof and includes any person for the time being in charge of the vehicles.

(e) "Toll" means the toll levied under section 3 of the Act ;

(f) "Toll Tax Officer" means such officer or officers, as the State Government may, by notification in the Official Gazette, appoint to be the Toll Tax Officer for the whole of the State of Rajasthan or for any area or areas thereof for the purposes of this Act and includes Taxation Officer appointed under the Rajasthan Motor Vehicles Taxation Act, 1951 (Act No. XI of 1951) ; and

(g) Words and expressions used and not defined in this Act but defined in the Motor Vehicles Act, 1988 or Central Motor Vehicles Rules, 1989 or Rajasthan Motor Vehicles Rules, 1990 shall have the respective meanings assigned to them in the said Act or Rules as amended from time to time.

3. Levy of Toll.—(1) There shall be levied and paid to the State Government a toll on every Motor Transport Vehicle registered outside the State and plying under a permit granted or deemed to have been granted under the Motor Vehicles Act, 1988, entering the limits of Rajasthan State at such rate not exceeding Rs. 200/- per vehicle per day as the State Government may, by notification in the Official Gazette, specify from time to time ;

Provided that where toll has been paid in respect of the entry of the vehicle no toll shall be levied for any subsequent entry thereof on the same day.

(2) The toll shall be paid by the operator of the Motor Transport Vehicles.

4. **Establishment of barriers.**—For the purpose of collection of toll, the State Government shall, by notification in the Official Gazette, establish barrier at such places as may be specified in the notification.

5. **Prohibition of entry without paying toll.**—The Motor Transport Vehicles liable to pay toll under section 3 of the Act shall not be allowed to enter or ply in the State unless the toll is paid and the Toll Tax Officer shall have the powers to prevent the entry or plying of such vehicles in contravention of provisions of this Act.

6. **Powers to stop and seize.**—(1) Whenever so required by the Toll Tax Officer or any other person authorised by him in this behalf, the driver of a Motor Transport Vehicle shall stop the vehicle, whether at the barrier or any other place within the State, and keep it stationary for a reasonable period in order to enable the Toll Tax Officer or the person so authorised, as the case may be, to satisfy himself that the toll, if payable, has been paid and that other provisions of this Act have been complied with.

(2) When the Toll Tax Officer or the person authorised by him under sub section (1) has reason to believe—

(a) that the toll has not been paid, he may detain the vehicle or any part or accessory thereof which is considered sufficient in his opinion for realisation of the toll until the toll is paid, or

(b) that any breach of the provisions of this Act has been committed, detain the vehicle or any part or accessory thereof which is considered sufficient in his opinion for realisation of the toll and also for maximum amount of penalty leviable under section 7, until cash security equivalent to such amount is furnished :

Provided that no action under this sub-section shall be taken unless the operator of the vehicle has been given a reasonable opportunity of being heard.

(3) The vehicle so detained or the security so deposited shall be dealt with in such manner as may be prescribed by rules.

7. **Penalty.** (1) Whenever the Toll Tax Officer is satisfied after making such enquiry, as he may deem necessary, that any person has committed a breach of any of the provisions of this Act or the rules made thereunder, he may order that such person shall pay by way of penalty in addition to the toll, if any, payable by him, a sum not exceeding two hundred and fifty rupees :

Provided that no such order shall be made unless the person has been given a reasonable opportunity of being heard.

(2) Any person aggrieved by an order made under this section may, within thirty days from the communication of such order to him, prefer an appeal against such order to such appellate authority as may be prescribed and the order of such authority shall be final.

8. **Manner of levy, payment and collection of toll etc.**—(1) Toll shall be levied, paid and collected in such manner as may be prescribed by rules.

(2) Without prejudice to the provision of sub-section (1) any toll, penalty or other dues recoverable under this Act which are not paid within fifteen days

of their becoming due, may be realised as arrears of land revenue.

9. **Power of State Government to exempt from toll.**—The State Government may, by notification in the Official Gazette, subject to such conditions, if any, and for such period as may be specified in the notification, exempt in whole or in part any motor transport vehicle or any class of motor transport vehicle from the payment of toll.

10. **Protection of action in good faith.**—No suit, prosecution or other legal proceeding shall lie against any person for anything which is done in good faith or purported to be done, in pursuance of the provisions of this Act and the rules made thereunder.

11. **Power to make rules.**—The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

THE RAJASTHAN LAND REVENUE (SECOND AMENDMENT) ACT, 1991

The following Act of Rajasthan State Legislature received the assent of the Governor on 23rd September, 1991 and was published in the Rajasthan Gazette, Extraordinary, Part 4 (Ka) dated 24th September, 1991.

RAJASTHAN ACT NO. 13 OF 1991

An Act further to amend the Rajasthan Land Revenue Act, 1956.

Be it enacted by the Rajasthan State Legislature in the Forty-second Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Rajasthan Land Revenue (Second Amendment) Act, 1991.

(2) It shall be deemed to have come into force on the 18th day of July, 1991.

2. **Amendment of section 90, Rajasthan Act No. 15 of 1956.**—After sub-section (3) of section 90 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956), hereinafter referred to as the principal Act, the following new sub-section (3-A) shall be inserted, namely :

“(3-A) The State Government may, by notification in the Official Gazette exempt, whether prospectively or retrospectively, any land or class of land from the payment of rent or land revenue.”

3. **Repeal and Savings.**—(1) The Rajasthan Land Revenue (Amendment) Ordinance 1991 (Ordinance No. 3 of 1991) is hereby repealed.

(2) Notwithstanding such repeal, all things done, actions taken or orders made under the principal Act as amended by the said Ordinance shall be deemed to have been done, taken or made under the principal Act as amended by this Act.

THE RAJASTHAN CO-OPERATIVE SOCIETIES (SECOND AMENDMENT) ACT, 1991

The following Act of Rajasthan State Legislature received the assent of the Governor on 23rd September, 1991 and was published in the Rajasthan Gazette, Extraordinary, Part 4 (Ka), dated 24th September, 1991.

RAJASTHAN ACT NO. 14 OF 1991

An Act further to amend the Rajasthan Co-operative Societies Act, 1965.

Be it enacted by the Rajasthan State Legislature in the Forty-second Year of the Republic of India as follows :—

1. Short title and commencement.— (1) This Act may be called the Rajasthan Co-operative Societies (Second Amendment) Act, 1991.

(2) This section and sections 2, 3, 4 and 6 shall come into force at once and section 5 shall be deemed to have come into force with effect from 2nd August, 1991.

2. Amendment of section 2, Rajasthan Act No. 13 of 1965.— After clause (aa) of section 2 of the Rajasthan Cooperative Societies Act, 1965 (Rajasthan Act No. 13 of 1965), hereinafter referred to as the principal Act, the following new clause shall be inserted, namely :—

“(aaa) “Executive Officer” means an officer who, subject to the superintendence control and directions of the Committee, is appointed under section 35-B to assist the Chief Executive Officer in the management of the affairs of a society.”.

3. Amendment of section 23, Rajasthan Act No. 13 of 1965.— In section 23 of the principal Act, for clauses (a) and (b) of sub-section (2) the following shall be substituted, namely :—

“(a) a cooperative society which is a member of another cooperative society shall, subject to any rules made under this Act, be represented by its Chairman or, in his absence, by the Vice-Chairman to vote on its behalf in the affairs of that other society ;

(b) a local authority or body which is a member of a cooperative society under section 19, may, subject to any rules made under this Act, be represented by its Chairman or, in his absence, by the Vice-Chairman to vote on its behalf in the affairs of the society ;”.

4. Insertion of new section 35-B, Rajasthan Act No. 13 of 1965.— After section 35-A of the principal Act, the following new section shall be inserted, namely :—

“35-B. Appointment of Executive Officer.— (1) Notwithstanding anything contained in this Act or in the bye-laws of the society, where the Government has subscribed to the share-capital of a cooperative society to the extent of two lacs of rupees or more, the Government or any authority specified by the Government in this behalf may appoint an Executive Officer of such society. The officer thus appointed shall hold office during the pleasure of the Government or the specified authority as the case may be.

(2) The terms and conditions of the Executive Officer appointed under this section shall be such as may be determined by the Government and the remuneration payable to him shall be paid out of the funds of the Cooperative Society.”.

5. Amendment of section 36, Rajasthan Act No. 13 of 1965.— In sub-section (1-B) of section 36 of the principal Act, for the words “one year”, the words “two years” shall be substituted.

6. Repeal and Savings.— (1) The Rajasthan Co-operative Societies (Second Amendment) Ordinance, 1991 (Ordinance No. 4 of 1991) is hereby repealed.

(2) Notwithstanding such repeal, all things done, actions taken or orders made under the principal Act as amended by the said Ordinance shall be deemed to have been done, taken or made under the principal Act as amended by this Act,

THE RAJASTHAN PANCHAYAT (AMENDMENT) ACT, 1991.

The following Act of Rajasthan State Legislature received the assent of the Governor on 23rd September, 1991 and was published in the Rajasthan Gazette, Extraordinary, Part 4(Ka) dated 24th September, 1991.

RAJASTHAN ACT NO. 15 OF 1991.

An Act further to amend the Rajasthan Panchayat Act, 1953.

Be it enacted by the Rajasthan State Legislature in the Forty-second Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Rajasthan Panchayat (Amendment) Act, 1991.

(2) It shall be deemed to have come into force on the 17th day of June, 1991.

2. **Amendment of section 9 A, Rajasthan Act No. 21 of 1953.**—For the existing sub-section (2) of section 9-A of the Rajasthan Panchayat Act, 1953 (Rajasthan Act No. 21 of 1953), hereinafter referred to as the principal Act, the following shall be substituted, namely :—

“(2) The State Government may at any time, by notification in the Official Gazette, curtail the period of appointment made under sub-section (1), or extend it so, however, that the period of extension including that specified under sub-section (1) does not exceed one year in the aggregate.”

3. **Repeal and Savings.**—(1) The Rajasthan Panchayat (Amendment) Ordinance, 1991 (Ordinance No. 5 of 1991) is hereby repealed.

(2) Notwithstanding such repeal, all things done or actions taken or orders made under the principal Act as amended by the said Ordinance shall be deemed to have been done, taken or made under the principal Act as amended by this Act.

THE RAJASTHAN COLONISATION (AMENDMENT) ACT, 1991.

The following Act of Rajasthan State Legislature received the assent of the Governor on 23rd September, 1991 and was published in the Rajasthan Gazette, Extraordinary, Part 4(Ka), dated 24th September, 1991.

RAJASTHAN ACT NO. 16 OF 1991.

An Act further to amend the Rajasthan Colonisation Act, 1954.

Be it enacted by the Rajasthan State Legislature in the Forty-second Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Rajasthan Colonisation (Amendment) Act, 1991.

(2) It shall be deemed to have come into force on the 1st day of July, 1991.

2. **Amendment of section 2, Rajasthan Act No. XXVII of 1954.**—In section 2 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act No. XXVII of 1954), hereinafter referred to as the principal Act, —

(a) for the existing clause (ii), the following shall be substituted, namely :—

“(ii) “colony” means any area to which this Act shall, by notification in the Official Gazette, be applied by an order of the State Government, or in

respect of minor irrigation projects, by an order of the Collector authorised by the State Government in this behalf"; and

(b) after clause (vi), the following new clauses shall be inserted, namely :

"(vi-a) "Major Irrigation Project" means the works constructed to use surface water for irrigation of a culturable commanded area of more than 10,000 hectares ;

(vi b) "Medium Irrigation Project" means the works constructed to use surface water for irrigation of culturable commanded area of more than 2000 hectares but not more than 10,000 hectares ;

(vi-c) "Minor Irrigation Project" means the works constructed to use surface water for Irrigation of culturable commanded area upto 2000 hectares ;".

3. Amendment in section 4, Rajasthan Act No. XXVII of 1954.—In section 4 of the principal Act, after the expression "provisions of this Act" the words "The State Government may also authorise a Collector to exercise the aforesaid powers in respect of a Minor irrigation project for whole colony area or any part thereof within the local limits of the district," shall be inserted.

4. Repeal and Savings.—(1) The Rajasthan Colonisation (Amendment) Ordinance, 1991 (Ordinance No. 2 of 1991) is hereby repealed.

(2) Notwithstanding such repeal, all things done, actions taken or orders made under the principal Act as amended by the said Ordinance shall be deemed to have been done, taken or made under the principal Act as amended by this Act.

— — —
END

1	2
8 Years' standing	Rs. 12000
7 Years' standing	Rs. 10500
6 Years' standing	Rs. 9000
Upto 5 Years' standing	Rs. 7500

Published in the Gujarat Government Gazette, Extraordinary, Part IV, dated July 31, 1991.

**THE BOMBAY LAND REQUISITION (GUJARAT AMENDMENT)
ORDINANCE, 1991**

GUJARAT ORDINANCE NO. 2 OF 1991

An Ordinance further to amend the Bombay Land Requisition Act, 1948.

Whereas the Legislative Assembly of the State of Gujarat is not in session ;

And whereas the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948);

And whereas instructions of the President under the proviso to clause (1) of Article 213 of the Constitution have been obtained ;

Now, therefore, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. **Short title and commencement.** - (1) This Ordinance may be called the **Bombay Land Requisition (Gujarat Amendment) Ordinance, 1991.**

(2). It shall come into force at once.

2. **Bom. XXXIII of 1948 to be temporarily amended.** - During the period of operation of this Ordinance, the Bombay Land Requisition Act, 1948 (XXXIII of 1948) (hereinafter referred to as "the principal Act") shall have effect subject to the amendment specified in section 3.

3. **Amendment of section 9 of Bom. XXXIII of 1948.** - In the principal Act, in section 9, in sub-section (1A), for the words "eleven years", where they occur at two places, the words "thirteen years" shall be substituted.

STATEMENT

The Bombay Land Requisition Act, 1948, which initially was for a temporary duration, has been placed permanently on the Statute Book and while doing so, the period for which the land could be requisitioned or continued under requisition under the Act has been laid down, under sub-section (1A) of section 9, as 11 years from the date of the commencement of the Bombay Land Requisition (Gujarat Amendment) Act, 1980 in respect of land requisitioned prior to such commencement and 11 years from the date of requisitioning of

land in respect of land requisitioned after such commencement. The Amending Act of 1980, came into force on the 31st July, 1980. As the majority of premises have been requisitioned under the Act before the commencement of the Amending Act of 1980, they would have to be released from requisition on or before the 31st July, 1991. However, before the premises are released from requisition, it would be necessary to provide alternative accommodation to Government allottees. Although, conditions in respect of housing accommodation in the State have generally improved, shortage of accommodation, in some areas to which the Act extends, still continues. It would not be possible for the Government to provide alternate accommodation to the Government allottees within the limited period now available. It is, therefore, considered necessary to extend the maximum period for which the premises may be requisitioned or retained under requisition from 11 years to 13 years, i.e. for a further period of two years ending on the 31st July, 1993.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the Act to achieve the aforesaid object.

Gandhinagar,

Dated the 31st July, 1991.

SARUP SINGH

Governor of Gujarat.

THE GUJARAT STATE GUARANTEES (AMENDMENT) ACT, 1991

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 17th September, 1991, was published in Gujarat Government Gazette, Extraordinary, Part IV, dated 18th September, 1991.

GUJARAT ACT NO. 15 OF 1991

An Act further to amend the Gujarat State Guarantees Act, 1963.

It is hereby enacted in the Forty-second Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Gujarat State Guarantees (Amendment) Act, 1991.

2. Amendment of section 2 of Guj. XXII of 1963.—In the Gujarat State Guarantees Act, 1963 (Guj. XXII of 1963), in section 2, in sub-section (1), for the letters and figures "Rs. 45,00,00,00,000", the letters and figures "Rs. 60,00,00,00,000" shall be substituted.

THE GUJARAT LEGISLATIVE ASSEMBLY MEMBERS (REMOVAL OF DISQUALIFICATIONS) (SECOND AMENDMENT) ACT, 1991

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 17th September, 1991, was published in the Gujarat Government Gazette, Extraordinary, Part IV, dated 18th September, 1991.

GUJARAT ACT NO. 16 OF 1991

An Act further to amend the Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960.

It is hereby enacted in the Forty-second Year of the Republic of India as follows ; —

1. Short title and commencement.—(1) This Act may be called the Gujarat Legislative Assembly Members (Removal of Disqualifications) (Second Amendment) Act, 1991.

(2) It shall be deemed to have come into force on the 3rd April, 1991.

2. Amendment of Schedule to Guj. 1 of 1960.—In the Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960, (Guj. 1 of 1960) in the Schedule, —

(1) in entry 14, for the word “member”, the word “Director” shall be substituted ;

(2) after entry 25, the following entries shall be added, namely :—

“26. The office of Chairman of the Gujarat State Road Transport Corporation established under the Road Transport Corporation Act, 1950 (64 of 1950).

27. The office of Chairman or Director of the Gujarat Dairy Development Corporation Limited.

28. The office of Chairman or Director of the Gujarat State Handloom Development Corporation Limited.

29. The office of Chairman or Director of the Gujarat State Export Corporation Limited.

30. The office of Chairman or Director of the Gujarat State Warehousing Corporation established under the Warehousing Corporation Act, 1962 (68 of 1962).”.

3. Repeal and savings.—(1) The Gujarat Legislative Assembly Members (Removal of Disqualifications) (Amendment) Ordinance, 1991 (Guj. Ord. 1 of 1991) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

THE BOMBAY LAND REQUISITION (GUJARAT AMENDMENT) ACT, 1991

The following Act of the Gujarat Legislature, having been assented to by the President on the 8th October, 1991, was published in the Gujarat Government Gazette, Extraordinary, Part IV, dated 10th October, 1991.

GUJARAT ACT NO. 17 OF 1991

An Act further to amend the Bombay Land Requisition Act, 1948.

It is hereby enacted in the Forty-second Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Bombay Land Requisition (Gujarat Amendment) Act, 1991.

(2) It shall be deemed to have come into force on the 31st July, 1991.

2. Amendment of section 9 of Bom XXXIII of 1948.—In the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948), (hereinafter referred to as “the principal Act”), in section 9, in sub-section (IA), for the words “eleven years”, where they occur at two places, the words “thirteen years” shall be substituted.

3. Repeal and savings.—(1) The Bombay Land Requisition (Gujarat Amendment) Ordinance, 1981 (Guj. Ord. 3 of 1981) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

— — — — —
END

respects apply to the municipal councils.

7. **Removal of difficulties.**— If any difficulty arises in giving effect to the provisions of this Act the State Government may, as occasion arises, by order, do anything which appears to it to be necessary for the purpose of removing the difficulty :

Provided that, no such order shall be made after the expiry of the period of two years, from the date of publication of this Act in the Official Gazette.

8 **Repeal of Mah. Ord. IX of 1991 and savings.**— (1) The Maharashtra Municipalities (Temporary Postponement of Elections to Municipal Councils) Ordinance, 1991 (Mah. Ord. IX of 1991), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken as the case may be, under the corresponding provisions of this Act.

Published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated 23 August, 1991.

THE BOMBAY MOTOR VEHICLES TAX (AMENDMENT) ORDINANCE, 1991

MAHARASHTRA ORDINANCE NO. X OF 1991

An Ordinance further to amend the Bombay Motor Vehicles Tax Act, 1958.

Whereas both Houses of the State Legislature are not in session ;

And whereas the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Bombay Motor Vehicles Tax Act, 1958 (Bom. LXV of 1958) ; for the purposes hereinafter appearing ;

Now therefore, in exercise of the powers conferred upon him by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

1. **Short title and commencement.**— (1) This Ordinance may be called the Bombay Motor Vehicles Tax (Amendment) Ordinance, 1991.

(2) It shall come into force at once.

2. **Amendment of section 20 of Bom. LXV of 1958.**—In section 20 of the Bombay Motor Vehicles Tax Act, 1958 (Bom. LXV of 1958), in sub-section (1-A),—

(a) after the words, brackets and figure “in sub-section (1)” the following shall be inserted, namely :—

“and section 3 of the Tolls on Roads and Bridges Act, 1875 (Bom. III of 1875), or any other law for the time being in force” ;

(b) the word “new”, wherever it occurs, shall be deleted ;

(c) in clause (a),—

(i) for the words “road or by-pass which is” the words “road or by-pass which is newly” shall be substituted ;

(ii) after the figures “1987,” the words “at the expense of the State Government or at the expense of any person or body or association of individuals whether incorporated or not or at the expense of both, that is to say, the State Government and any such person or body or association” shall be

inserted ;

(d) in the Explanation, after the words "may fix" the words "until the full amount of such outlay is recovered" shall be added.

STATEMENT

Section 20 of the Bombay Motor Vehicles Tax Act, 1958 provides for levy of tolls on the roads, bridges, etc., so as to reimburse the amount of outlay incurred in construction or re-construction, etc., of roads or bridges, etc. With a view to make it explicit that the outlay so incurred in respect of roads or bridges, etc., constructed or re-constructed, etc., may be at the expense of the State Government or of any person or body of persons whether incorporated or not or at the expense of both, and should be reimbursed from the amounts collected by way of toll and also to make certain other provisions as are found necessary in giving effect thereto, it is considered expedient to amend immediately section 20 suitably.

2. In the monsoon session a Bill to this effect was proposed to be introduced but for want of some procedural requirements and time, the same could not be introduced and passed in that session.

3. As both Houses of the State Legislature are not in session and immediate action is required to be taken to amend the Bombay Motor Vehicles Tax Act, 1958, for the purposes aforesaid this Ordinance is promulgated.

Bombay,
Dated the 23rd August, 1991.

C. SUBRAMANIAM,
Governor of Maharashtra

MAHARASHTRA REPEALING AND AMENDING ACT, 1991

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 6th September 1991, was published in the Maharashtra Government Gazette, Extraordinary, Part IV, dated September 9, 1991.

MAHARASHTRA ACT NO. XXII OF 1991

An Act to repeal certain enactments and to amend certain other enactments.

Whereas it is expedient to repeal certain enactments and to amend certain other enactments for the purposes hereinafter appearing ; It is hereby enacted in the Forty-second year of the Republic of India as follows :—

1. Short title. — This Act may be called the Maharashtra Repealing and Amending Act, 1991.

2. Repeal of certain enactments. — The enactments specified in the First Schedule, in their application to the whole of the State of Maharashtra or any part thereof as the case may be, are hereby repealed to the extent mentioned in the fourth column thereof.

3. Amendment of certain enactments. — The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

4. Savings. — The repeal, by this Act, of the enactments referred to in the First Schedule, shall not affect anything previously done or action taken under the said Acts.

THE FIRST SCHEDULE

Repeals
(See Section 2)

Year 1	Number 2	Short title 3	Extent of Repeal 4
1936	I	<i>Central Provinces and Berar Enactment.</i> The Central Provinces and Berar Probation of Offenders Act, 1936.	The whole.
1938	XXXI	<i>Bombay Enactment.</i> The Bombay Probation of Offenders Act, 1938.	The whole.
1953	XII	<i>Hyderabad Enactment.</i> The Hyderabad Probation of Offenders Act, 1953	The whole.
1964	XXXVII	<i>Maharashtra Enactments.</i> The Maharashtra Vaccination Act, 1964.	The whole.
1983	IX	The Maharashtra Secondary and Higher Secondary Education Boards (Amendment) Act, 1982.	The whole.

THE SECOND SCHEDULE

Amendments
(See section 3)

Year 1	Number 2	Short title 3	Extent of Repeal 4
1957	XXXIX	<i>Bombay and Maharashtra Enactments.</i> The Bombay Abolition of Whipping Act, 1957.	Section 3 shall be deleted.
1959	III	The Bombay Village Panchayats Act, 1958.	In section 3, in clause (17), the figures "41" shall be deleted.
1961	XXIV	The Maharashtra Co-operative Societies Act, 1960.	In section 165, in sub-section (2), in clause (iii), for the word "Registrar" the words "Co-operative Court" shall be substituted.
1965	XL	The Maharashtra Municipalities Act, 1965.	In section 342, in sub-section (8), the

1	2	3	4
			brackets, figure and letter "(4A)" shall be deleted.
1982	XXXI	The Maharashtra Prevention of Malpractices at University, Board and other specified Examinations Act, 1982.	In section 8, in the marginal note for the word "or" the word "of" shall be substituted.
1983	XLI	The Maharashtra Agricultural Universities (Kriah Vidyapeeths) Act, 1983.	(1) In section 2, clause (m) shall be deleted. (2) In section 30, in sub-section (1), for the brackets and figures "(xv)" the brackets, figure and letter "(1A)" shall be substituted. (3) In section 37, the words "and the rules made thereunder," shall be deleted. (4) In section 70, in sub-section (2),— (a) in clause (ii), sub-clause (1) shall be re-numbered and re-lettered as clause (ii-a) of sub-section (2); (b) in clause (iii), sub-clause (h) shall be re-numbered and re-lettered as clause (iii-a) of sub-section (2).

THE END

holder, he shall, in addition to the tax, if any, payable by him under section 4, be liable to pay a luxury-cum-entertainment and amusement tax at such rate not exceeding one thousand rupees per week per set as may be specified in a notification issued by the State Government in this behalf :

Provided that the State Government may specify different rates of tax payable under this section according to the use of television set, video cassette recording set or video cassette player set in different areas of West Bengal :

Provided further that the provisions of this sub-section shall not apply to a holder of a video cassette recorder set or video cassette player set referred to in sub-section (3).";

(2) in Section 5, after sub-section (3), the following sub-section shall be added: —

"(4) A holder of sets referred to in sub-section (4) of section 4A shall pay the amount of tax payable by him under that sub-section for a week to the prescribed authority in the prescribed manner within seven days from the end of such week or within such further time as the State Government may by notification extend, failing which he shall be liable to pay a penalty at the rate of twenty-five rupees per week or part thereof per set.";

(8) in section 6, sub section (4) shall be omitted.

THE ST. THOMAS' SCHOOL (AMENDMENT) ACT, 1990.

The following Act of the West Bengal Legislature, having been assented to by the President of India, was published in the Calcutta Gazette, Extraordinary, Part III, dated July 9, 1991.

WEST BENGAL ACT XXVII OF 1990

An Act to amend the St. Thomas' School Act, 1923.

Whereas it is expedient to amend the St. Thomas' School Act of 1923 (Ben. Act XII of 1923), for the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Forty-first Year of the Republic of India, by the Legislature of West Bengal, as follow :

1. Short title.—This Act may be called the St. Thomas' School (Amendment) Act, 1990.

2. Amendment of section 2 of Bengal Act XII of 1923.—In section 2 of the St. Thomas' School Act, 1923, in sub-section (1),—

(1) for clause (a), the following clause shall be substituted :—

(a) the Bishop of Calcutta ;"

(2) for clause (b), the following clause shall be substituted ;—

(b) the Vice-President of the Diocese of Calcutta;"

(3) for clause (f), the following clause shall be substituted :—

"(f) one Anglo Indian Councillor of the Calcutta Municipal Corporation or, if there is no such Councillor, one person belonging to the Anglo-Indian community to be nominated by the Corporation ; and";

4) in clause (g), for the words "Church of England," the words "Church of North India," shall be substituted.

THE INDIAN STAMP (MADHYA PRADESH AMENDMENT) ACT, 1991.

The following Act received the assent of the Governor on the 13th September, 1991 and was published in the "Madhya Pradesh Gazette (Extraordinary)" dated the 26th September, 1991.

MADHYA PRADESH ACT NO. 22 OF 1991.

An Act, further to amend the Indian Stamp Act, 1899 in its application to the State of Madhya Pradesh.

Be it enacted by the Madhya Pradesh Legislature in the Forty second Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Indian Stamp (Madhya Pradesh Amendment) Act, 1991.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Amendment of Central Act No. II of 1899 in its application to the State of Madhya Pradesh.—The Indian Stamp Act, 1899 (No. II of 1899) (hereinafter referred to as the Principal Act), shall in its application to the State of Madhya Pradesh, be amended in the manner hereinafter provided.

3. Amendment of Schedule 1-A.—In Schedule 1-A to the Principal Act, in article 45, in column (2), in the proviso, after clause (b), the following clause shall be inserted, namely :—

"(c) When land is held on Revenue settlement (Notwithstanding the fact that land revenue thereon is payable or not), the market value for the purpose of duty shall be calculated at sixty times the annual land revenue."

THE MADHYA PRADESH TOWN IMPROVEMENT TRUSTS (AMENDMENT) ACT, 1991.

The following Act received the assent of the Governor on the 8th October, 1991 ; and was published in the "Madhya Pradesh Gazette" (Extraordinary) dated the 11th October, 1991.

MADHYA PRADESH ACT NO. 24 OF 1991.

An Act further to amend the Madhya Pradesh Town Improvement Trusts Act, 1960.

Be it enacted by the Madhya Pradesh Legislature in the Forty-second year of the Republic of India as follows :—

1. Short title.—This Act may be called the Madhya Pradesh Town Improvement Trusts (Amendment) Act, 1991.

2. Amendment of Section 5.—In clause (f) of Section 5 of the Madhya Pradesh Town Improvement Trusts Act, 1960 (No. 14 of 1961), for the word "three", the words "not more than six" shall be substituted.

THE MADHYA PRADESH (LOK ABHIKARANON KE MADHYAM SE) DINDAYAL ANTYODAY KARYAKRAM KA KARYANVAYAN ADHINIYAM, 1991.

The following Act received the assent of the Governor on the 7th August, 1991 and was published in the "Madhya Pradesh Gazette (Extraordinary)", dated the 8th August, 1991.

MADHYA PRADESH ACT NO. 14 OF 1991.

An Act to provide for implimentation of Dindayal Antyoday Karyakram

through public agencies and matters ancillary thereto.

Be it enacted by the Madhya Pradesh Legislature in the Forty-second Year of the Republic of India as follows: -

1. Short title and commencement.—(1) This Act may be called the Madhya Pradesh (Lok Abhikaranon Ke Madhyam Se) Dindayal Antyoday Karyakram Ka Karyanyayan Adhiniyam, 1991.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) "Dindayal Antyoday Karyakram" means the Karyakram specified in the Schedule;

(b) "State Level Committee" means a committee constituted under Section 3;

(c) "District Level Committee" means a committee constituted under Section 3;

(d) "Block Level Committee" means a Committee constituted under Section 3;

(e) "Gram Panchayat Level Committee" means a committee constituted under Section 3.

(2) The words and expressions used but not defined in this Act and defined in the Madhya Pradesh Panchayat Raj Adhiniyam, 1990 (No. 13 of 1990) shall have the meaning assigned to them in that Act.

3. Constitution of Committees at various levels for implementation of Dindayal Antyoday Karyakram. With a view to implementing of Madhya Pradesh Dindayal Antyoday Karyakram through public agencies; -

(a) the State Government may by an order constitute -

(i) a State Level Committee for the whole State;

(ii) District Level Committee for every revenue district in the State, consisting of such number of persons and for such period as may be specified in such order.

(b) the State Government or such officer as may be authorised by the State Government in this behalf may, by order, constitute -

(i) a Block Level Committee for every development block in the State; and

(ii) Gram Panchayat Level Committee for every Gram Panchayat in the State,

consisting of such number of persons and for such period as may be specified in such order:

Provided that the State Government may, at any time, by general or special order reduce the period of any committee or reduce the term of the member thereof.

4. Power to entrust implementation of various schemes of Dindayal Antyoday Karyakram to the State Level Committee, District Level Committee, Block Level Committee and Gram Panchayat Level Committee. The State Government may, by order, entrust to a State Level Committee, District Level Committee, Block Level Committee or a Gram Panchayat Level Committee all or any of the schemes of the Dindayal Antoday Karyakram as may be specified in such order for the purpose of monitoring and review. For discharging the functions the District Level Committee, the Block Level Committee and the

Gram Panchayat Level Committee, shall be guided by such directions as the State Government may from time to time, give to it in writing.

5. Different committees be subject to superintendence and guidance of higher level committees.—For discharging the functions entrusted under Section 4, the Gram Panchayat Level Committee shall be subject to the superintendence and guidance of the Block Level Committee and District Level Committee. The Block Level Committee shall be subject to the superintendence and guidance of District Level Committee and the District Level Committees shall be subject to the superintendence and guidance of the State Level Committee.

6. Officer and Authority to have due regard to the guidance given by the committee constituted under this Act.—The Officer or authority exercising the power and performing the duties under any Act, shall, in exercise or performance of such powers or duties, give due consideration to the guidance given by the committees constituted under this Act.

7. Power to amend Schedule.—The State Government may, by notification, amend the Schedule and thereupon the said Schedule shall stand amended accordingly.

8. Power to make rules.—(1) The State Government may, by notification, make rules for carrying into effect the provisions of this Act.

(2) All rules made under this section shall be laid on the table of the Legislative Assembly.

SCHEDULE

[See section 2 (1) (a)]

1. Integrated rural development programme.
2. Employment-oriented programmes in rural and urban areas.
3. Development of Animal Husbandry programme as a village industry for landless, marginal and small farmers.
4. Social forestry and improvement of degraded forests programme to provide employment to Adivasis, Harijans and economically weaker sections.
5. Settlement and overall development of forest lands under encroachment as per rules.
6. Programmes for development of cottage and village industries.
7. Programmes to provide cheap housing or residential plots to jhuggi and hutment dwellers and homeless persons in rural areas.
8. Programme for pension to destitutes.
9. Special Welfare Programmes for Adivasis, Harijans and economically weaker sections.
10. Programme for the eradication of illiteracy and compulsory and free primary education for the children in the age group of 6 to 14 years.
11. Programme for providing safe drinking water in every village.
12. Programme for electrification of every village.
13. Jeevan Dhara Programme.
14. Public Health and Welfare Programme.
15. Woman and child development programme.
16. Programme for the construction of approach roads in the rural areas.

**THE MADHYA PRADESH VIDHAN SABHA SADASYA VETAN
BHATTA TATHA PENSION (SANSHODHAN) ADHINIYAM, 1991**

The following Act received the assent of the Governor on the 5th September, 1991 and was published in the "Madhya Pradesh Gazette (Extraordinary)" dated the 13th September, 1991.

MADHYA PRADESH ACT NO. 19 OF 1991

An Act further to amend the Madhya Pradesh Vidhan Sabha Sadasya Vetan, Bhatta Tatha Pension Adhiniyam, 1972.

Be it enacted by the Madhya Pradesh Legislature in the Forty Second Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Madhya Pradesh Vidhan Sabha Sadasya Vetan, Bhatta Tatha Pension (Sanshodhan) Adhiniyam, 1991.

2. Amendment of Section 5-A.—In sub-section (1) of Section 5-A of the Madhya Pradesh Vidhan Sabha Sadasya Vetan, Bhatta Tatha Pension Adhiniyam, 1972 (No. 7 of 1973) (hereinafter referred to as the Principal Act), for the words, "and to one person accompanying him to travel by first class or by air conditioned sleeper coach or by second class sleeper coach by any railway" the words "and to one person accompanying him to travel by first class or by air conditioned sleeper coach or by second class sleeper coach or by second class by any railway" shall be substituted.

3. Insertion of new Section 5-C.—After Section 5-B of the Principal Act, the following new Section shall be inserted, namely :—

"5-C. Steamer travel facility.—Without prejudice to the provisions of this Act every member, who when necessary for the purpose of attending a session or meeting of a committee or for the purpose of attending to any other business connected with his duties as a member, travels by steamer then he and, one person accompanying him, shall be entitled to reimbursement of the steamer fare of such journey both ways to the extent of an amount equal to two times of the first class rail fare".

4. Amendment of Section 6-A.—In Section 6-A of the Principal Act,—

(i) after sub-section (1), the following sub-section shall be inserted, namely :—

"(1-A) Notwithstanding anything contained in sub-section (1), every member of the sixth Madhya Pradesh Legislative Assembly before the completion of its full term, shall be deemed to have completed the period of five years as a member for the purpose of sub-section (1) and shall be entitled to receive pension from the commencement of the Madhya Pradesh Vidhan Sabha Sadasya Vetan, Bhatta Tatha Pension (Sanshodhan) Adhiniyam, 1991 (No. 19 of 1991) :

Provided that any member as aforesaid shall be entitled to additional pension as provided in the proviso to sub-section (1) only after serving actually a period of five years".

(ii) in sub-section (2) for the words "remuneration" wherever it occurs the words "remuneration, honorarium or compensation" shall be substituted.

THE END

Explanation.—The expressions 'Co-operative Bank' and 'Scheduled Bank' shall have the same meaning as respectively assigned to them in the Deposit Insurance Corporation Act, 47 of 1961 and the Reserve Bank of India Act, 2 of 1934 and the expression 'Nationalised Bank' shall mean a corresponding new Bank constituted under sub-section (1) of Section 3 of the 'Banking Companies (Acquisition and Transfer of Undertakings) Act, 40 of 1980'.

11. **Insertion of new Section 100-A.**—In the principal Act, after Section 100, the following section shall be inserted, namely :—

"100-A. **Review of Finance.**—(1) There shall be constituted by the State Government a State Finance Commission for review of the financial position of Grama Panchayats in the State.

(2) The Commission may, for the purpose of maintaining sound financial position of Grama Panchayats, make such recommendations to the State Government as it deems necessary.

(3) The constitution and other matters in relation to the Commission shall be such as may be prescribed".

12. **Amendment of Section 115.**—In the principal Act, in Section 115, in sub-section (1), for the words "on the report of the Subdivisional Officer the Collector", the words "the Collector, on an inquiry or inspection made by him or on the report of the Subdivisional Officer", shall be substituted.

13. **Amendment of Section 116.**—In the principal Act, in Section 116,—

(i) in sub-section (1), —

(a) the words "and immediately reconstituted and the said notification shall specify the time within which the Grama Panchayat shall be reconstituted" occurring at the end of the opening portion shall be omitted; and

(b) the proviso shall be omitted;

(ii) in sub-section (4), for the words brackets and figure "directed under sub-section (1)", the words "under this section" shall be substituted.

14. **Amendment of Section 117.** In the principal Act, in Section 117,—

(i) in sub-section (1), the words "and may, in like manner by stating reasons therefor, extend such period from time to time so, however, that the total period of supersession does not exceed six months" shall be added at the end;

(ii) sub-section (4) shall be omitted; and

(iii) in sub-section (6), the words, brackets and figure "or (4)" shall be omitted.

END

reservation of any seat, one seat for the Scheduled Castes or, as the case may be, one seat for the Scheduled Tribes shall be reserved in that Panchayat area.

(ii) where the number of seats reserved is more than one, as nearly as may be, but not less than, one-third of the total number of seats so reserved shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes :

Provided that where only two seats are reserved for the Scheduled Castes or, as the case may be, the Scheduled Tribes, one of the two seats shall be reserved for women belonging to the Scheduled Castes, or as the case may be, the Scheduled Tribes;";

(1) the existing proviso shall be omitted ; and

(2) for sub-section (4), the following sub-section shall be substituted, namely :—

"(4) As nearly as may be, but not less than, one-third (including the number of seats reserved under sub-clause (ii) of clause (b) of sub-section (3) for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Gram Panchayat shall be reserved for women and allotted by rotation to different wards in the said Grama Panchayat".

4. Amendment of Section 12.—In the principal Act, in Section 12,—

(i) after sub-section (1), the following provisos shall be inserted, namely :—

"Provided that in the case of dissolution or supersession of a Grama Panchayat, the reconstitution within six months from the date of such dissolution or supersession, as the case may be :

Provided further that it shall not be necessary to reconstitute a Grama Panchayat where the Grama Panchayat is dissolved or superseded during the last six months of its term;";

(ii) in sub-section (3), the words, brackets and figures "or the extended term under sub-section (2) of Section 17, as the case may be", shall be omitted.

5. Amendment of section 16.—In the principal Act, in Section 16, the following proviso shall be inserted, namely :—

"Provided that if such a vacancy occurs during the last six months of the term of office of the Grama Panchayat, it shall not be necessary to hold any election to fill up such vacancy, in which case, the vacancy shall be left unfilled until the next General Election of the Grama Panchayat".

6. Amendment of Section 17.—In the Principal Act, for Section 17, the following section shall be substituted, namely :—

"17.—(1) Any person elected as a Sarpanch or Naib Sarpanch or any other member of a Grama Panchayat shall be deemed to have entered office as such Sarpanch or Naib Sarpanch or such other member, as the case may be, on the date of the first meeting of the Grama Panchayat as referred to in sub-section (1) of Section 14 which shall be held within a period not exceeding thirty days from the date of publication of names of all members under Section 15 and the term of office of all such persons shall expire with the term of the Grama Panchayat.

(2) The term of every Grama Panchayat in office shall be five years

commencing on the date on which the first meeting of the Grama Panchayat is held under Section 14.

(3) The term of office of a Sarpanch or any other member elected to fill up a casual vacancy shall expire with the expiry of the term of the Grama Panchayat as specified in sub-section (2)".

7. Amendment of Section 25.—In the principal Act, in Section 25, in sub-section (1), after clause (q), the following new clauses shall be inserted, namely :—

"(r) is disqualified by or under any law for the time being in force for the purposes of an election to the Legislature of the State ; or

(s) is disqualified by or under any law made by the Legislature of the State".

8. Amendment of Section 44.—In the principal Act, in Section 44, after clause (v), the following clause shall be inserted, namely :—

"(w) Minor forest produce ;

(x) Small Scale Industries including Food Processing Industries ;

(y) Rural housing ;

(z) Poverty alleviation programme ;

(z-1) Women and child welfare ;

(z-2) Social welfare including welfare of the handicapped and mentally retarded ;

(z-3) Public distribution system ;

(z-4) Maintenance of community assets".

9. Amendment of Section 58.—In the principal Act, in Section 58, after sub-section (5), the following sub-sections shall be inserted, namely :—

"(6) When any Market Committee makes any requisition or requires any Grama Panchayat under sub-section (4) of Section 4 of the Orissa Agricultural Produce Markets Act, 1956 [Orissa Act 3 of 1957] to transfer to it any land or building in possession of the Grama Panchayat, the Grama Panchayat shall, notwithstanding anything to the contrary contained in the said Act, not transfer such land or building, unless the requisition or the letter of requirement is accompanied by a written permission of the Collector of the district for the purpose.

(7) Nothing contained in sub-section (6) shall debar the State Government to review and cancel the permission so granted by the Collector within a period of ninety days, either suo motu or otherwise, if the Government is satisfied, after such inquiry as it may deem fit, that such permission of the Collector will be prejudicial to the interest of the Grama, and in every case where such a permission is cancelled by the Government the transfer of any land or building or both if any effected by virtue of such permission prior to its cancellation shall be of no effect".

10. Amendment of Section 94.—In the principal Act, in Section 94, after the first proviso to sub-section (2), the following proviso and Explanation shall be inserted, namely :—

"Provided further that the Grama Panchayat may deposit the funds received under the Jawahar Rozgar Yojana, being part of the Grama Fund, in a separate Savings Bank Account in the nearest Post Office, Co-operative Bank, Nationalised Bank or Scheduled Bank.

THE CURRENT INDIAN STATUTES

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(1)	(2)	(3)
86	86 days ...	4/90th of the amount of tax quarterly leviable.
87	87 days ...	3/93th of the amount of tax quarterly leviable.
88	88 days ...	2/90th of the amount of tax quarterly leviable.
89	89 days ...	1/93th of the amount of tax quarterly leviable.

HOME DEPARTMENT

No. MTA. 1991/12(II)/TRA-3.—(*Mantralaya, Bombay-400 032, dated the 31st August, 1991*).—In exercise of the powers conferred by sub-section (2) of section 13 of the Bombay Motor Vehicles Tax Act, 1958, (Bom. LXV of 1958) and all other powers enabling it in that behalf the Government of Maharashtra hereby exempts with effect from the 1st day of September, 1991, the goods vehicles plying between any other State and the State of Maharashtra under the Reciprocal Transport Agreement and having countersignature of the State of Maharashtra, to the extent of the seventy-five per centum of the amount of motor vehicle tax leviable for same type of vehicles in the State of Maharashtra.

HOME DEPARTMENT

No. MTA. 1991/12(III)/TRA-3.—(*Mantralaya, Bombay-400 032, dated the 31st August, 1991*). Whereas, by Government Notification Home Department, No. MTA. 1991/12/TRA-3, dated 31st August, 1991 issued under sub-section (1) of section 3 of the Bombay Motor Vehicles Tax Act, 1958 (Bom. LXV of 1958), the tax at the annual rates on the motor vehicles (hereinafter referred to as "the said motor vehicles") specified therein, has been increased with effect from the 1st day of September, 1991.

Now, therefore, in pursuance of rule 11-A of the Bombay Motor Vehicles Tax Rules, 1959, the Government of Maharashtra hereby specifies the 30th day of September, 1991 to be the date within which a registered owner or person in possession or control of the said motor vehicle shall pay the additional tax payable under the said rule 11-A for the unexpired portion of such period.

Published in the Maharashtra Government Gazette, Extraordinary, Part IV(Ba), dated 4th September, 1991.

HOME DEPARTMENT

No. MTA. 1991/12(IV)/TRA-3.—(*Mantralaya, Bombay 400 032, dated the 4th September, 1991*).—In exercise of the powers conferred by sub-section (1) of section 3 of the Bombay Motor Vehicles Tax Act, 1958 (Bom. LXV of 1958), and of all other powers enabling it in this behalf the Government of Maharashtra hereby amends Government Notification Home Department No. MTA 1991/12/TRA-3, dated the 31st August, 1991, as follows :—

In the Schedule to said notification, in Clause A, under the heading "A. Motor Vehicles fitted solely with pneumatic tyres" in sub-clause IV, in item (4), for entries (a) and (b), the following entries shall be substituted, namely :—

"(a) for ordinary omnibus having seating arrangements as prescribed under rule 128 of the Central Motor Vehicles Rules, 1989, including superior type of seating arrangements 3,000

than those provided under the said rule 128 and also Tourist Vehicles ;

- | | |
|--|-------|
| (b) for any other ordinary omnibus not covered under (a) above ; | 2,500 |
| (c) for air-conditioned vehicles. | 4,000 |

HOME DEPARTMENT

No. MTA. 1991/12(V)/TRA-3. —(*Mantralaya, Bombay 400 032, dated the 4th September, 1991*). —In exercise of the powers conferred by sub-section (2) of section 13 of the Bombay Motor Vehicles Tax Act, 1958 (Bom. LXV of 1958) and of all other powers enabling it in that behalf, the Government of Maharashtra exempts partially, the vehicles covered by special permits issued under sub-section (8) of section 88 of the Motor Vehicles Act, 1988 (59 of 1988) from payment of tax, to the extent of such tax, other than the tax leviable under item (4) of sub-clause IV of Clause A of the First Schedule to the Bombay Motor Vehicles Tax Act, 1958, as has been levied and collected by the Taxation Authorities in the State of Maharashtra, for the corresponding period for which the special permits have been issued.

Published in the Gujarat Government Gazette, Extraordinary, Part IV-A, dated September 19, 1991.

SOCIAL WELFARE DEPARTMENT

No. G/112[91/JJA/1091/I/54/obh. (*Sachivalaye, Gandhinagar, 19th September, 1991*). —In exercise of the powers conferred by sub-section (3) of section 1 of the Orphanages and other Charitable Homes (Supervision and Control) Act, 1970 (10 of 1960), the Government of Gujarat hereby appoints the 19th September, 1991, as the date on which the said Act shall come into force.

Published in the Gujarat Government Gazette, Extraordinary, Part IV-B, dated October 5, 1991.

REVENUE DEPARTMENT

No. GHM-91/78/M/STP/1086/381/H. 1. (*Sachivalaya, Gandhinagar, 1st October, 1991*). In exercise of the powers conferred by section 34 of the Court Fees Act 1870 (VII of 1870), section 45 of the Bombay Court Fees Act, 1950 (XXXXVI of 1950), section 74 of the Indian Stamp Act, 1899 (II of 1899) and sections 69 and 70 of the Bombay Stamp Act, 1958 (Bom. LX of 1958), the Government of Gujarat hereby makes the following rules further to amend the Gujarat Stamps Supply and Sales Rules, 1987, as follows, namely :

1. These rules may be called the Gujarat Stamps Supply and Sales (Amendment) Rules 1991.

2. In the Gujarat Stamps Supply and Sales Rules, 1987 (hereinafter referred to as "the said rules"), in rule 43, for the words and figures "Rs. 1000/- and a half per cent on stamps exceeding the value of value of rupees 1000/-", the words and figures "Rs. 10/- and one per cent on stamps exceeding the value of rupees 10/-" shall be substituted.

3. In the said rules, in Appendix III, — shall be substituted, namely :—

(i) for entry "2", the following :

"2. Impressed Stamps.

On stamps embossed or engraved on stamped paper including such stamps bearing the word, HUNDI.

- | | | | |
|--|------|------|------|
| (a) On stamps not exceeding in value of Rs. 10/- | 3.00 | 3.00 | 3.00 |
| (b) On stamps exceeding in value of Rs. 10/- | 1.00 | 1.00 | 1.00 |
- (ii) entry 3 shall be deleted.

Published in the Gujarat Government Gazette Extraordinary, Part IV-B, dated 13th September, 1991.

No. 618/V/228 of 1991/OFA-1088-2377 TH.—(Dated 13th September, 1991).— In exercise of the powers conferred by sub-section (3) of section 1 of the Gujarat Ownership Flats Act, 1973 (Guj. 13 of 1973), the Government of Gujarat hereby appoints the 16th September, 1991 as the date on which the said Act, shall come into force in the area of the cities specified in the Schedule appended hereto.

THE SCHEDULE

Sr. No.	Area
1.	Areas within the limits of the Junagadh Municipality as constituted under Section 5 of the Gujarat Municipalities Act, 1963.
2.	Areas within the limits of the Navsari Municipality as constituted under Section 5 of the Gujarat Municipalities Act, 1963.

Published in the Gujarat Government Gazette, Extraordinary, Part IV-B, dated 19th September, 1991.

HOME DEPARTMENT

No. G/G/91/155/MVR-1990-1182 KH.—(Gandhinagar Sachivalya 22nd August, 1991).— Whereas the draft rules further to amend the Gujarat Motor Vehicles Rules, 1989, were published as required by sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988) at pages 77-1, 77-2 of the Gujarat Government Gazette Extraordinary Part IV-A, dated 19th June, 1991, under Government Notification Home Department No. G/G/91/28/MVR/1990/1182-KH, dated 13th June, 1991 inviting objection or suggestions from all persons likely to be affected thereby till 12th July, 1991.

And whereas no objections or suggestions were received from any person on the said draft by the Government.

Now therefore in exercise of the powers conferred by clause (xx) of sub-section (2) of section 96 and sub-section (1) of section 111 of the Motor Vehicles Act, 1988 (59 of 1988) and of all other powers enabling it in that behalf, the Government of Gujarat hereby makes the following rules further to amend the Gujarat Motor Vehicles Rules, 1989, namely:—

1. These rules may be called the Gujarat Motor Vehicles (First Amendment) Rules, 1991.

(2) In the Gujarat Motor Vehicles Rules, 1989 in rule 2, in clause (n), —

(i) the word 'or' shall be deleted;

(ii) after the words "Faculty of Technology and Engineering Kalabhavan Vadodara" the words, or Birla Vishwakarma Mahavidyalaya, Vallabh Vidhyanagar" shall be added;

Published in the Maharashtra Government Gazette, Part IV-Ba, dated August 3, 1991.

ENVIRONMENT DEPARTMENT

No. MPN-1086/499/CR-100/D-III (I).—(New Administrative Bldg., 15th floor, Mantralaya, Bombay 400 032, dated 23rd August 1991).—In exercise of the powers conferred by sub-section (2) of section 53 read with proviso to sub-section (1) and clause (p) of sub-section (2) of section 64 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), the Government of Maharashtra, after consultation with the Maharashtra Pollution Control Board, hereby makes the following rules further to amend the Maharashtra Water (Prevention and Control of Pollution) Rules, 1983, namely :

1 These rules may be called the Maharashtra Water (Prevention and Control of Pollution) (Amendment) Rules, 1991.

2. In the Maharashtra Water (Prevention and Control of Pollution) Rules, 1983, after rule 31, the following rule shall be inserted, namely :—

"31A Qualification of Government Analysts and Board Analysts.—The persons possessing the following qualifications shall be eligible for the appointment as Government Analysts or as Board Analysts under sub-section (2) and (3) of section 53, namely :—

(a) (i) A degree in science with Chemistry, Bio-Chemistry, Food Technology, Food and Drugs or Microbiology or a Degree in Environmental Sciences or Life Sciences or Medicine or equivalent qualification recognised and notified by the Government of India for the purpose of appointment of Government Analyst ; and

(ii) Five years' experience in a laboratory engaged in analysis of food, or water or sewage or trade effluent ; or

(b) A Master's Degree in Chemistry or Bio-Chemistry or Food Technology or Microbiology or Food and Drugs or Chemical Engineering or Medicine or Environmental Sciences with three years' experience in a laboratory engaged in analysis of food or water or sewage or trade effluent".

ENVIRONMENT DEPARTMENT

No. MPN. 1086/499/CR-100/D-III (II).—(New Administrative Bldg., 15th floor, Mantralaya, Bombay 400 032, dated 23rd August, 1991).—In exercise of the powers conferred by sub-section (2) of section 53 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), the Government of Maharashtra hereby appoints the persons (being persons having the prescribed qualifications) mentioned in column 2 of the Schedule hereto appended to be Government Analysts for the purposes of Analysis of samples of water or of sewage or trade effluent sent for analysis to any laboratory established or specified under sub section (1) of section 52 of the said Act.

SCHEDULE

Serial No (1)	Designation of Officer (2)	Address of Public Health Laboratory (3)
1	The Deputy Director of Health Services/Chief Technical Officer/ Senior Scientific Officer/Chief	State Public Health Laboratory, Pune.

(1)	(2)	(3)
	Chemist/Junior Scientific Officer/ Government Analyst/Chemist.	
2	Officer incharge/Senior Scientific Officer/Chief Chemist/Junior Scientific Officer.	Regional Public Health Laboratory, Aurangabad.
3	Officer incharge/Senior Scientific Officer/Chief Chemist/Junior Scientific Officer.	Regional Public Health Laboratory, Solapur.
4	Chief Chemist/Junior Scientific Officer.	District Public Health Laboratory, Solapur.
5	Junior Scientific Officer. ...	District Public Health Laboratory, Washi, New Bombay.
6	Chief Chemist/Junior Scientific Officer.	District Public Health Laboratory, Jalgaon.
7	Junior Scientific Officer ...	District Public Health Laboratory, Nasik.
8	Junior Scientific Officer ...	District Public Health Laboratory, Nanded.
9	Chief Chemist/Junior Scientific Officer.	District Public Health Laboratory, Kolhapur.
10	Chief Chemist/Junior Scientific Officer.	District Public Health Laboratory, Amravati.
11	Junior Scientific Officer ...	District Public Health Laboratory, Sangli.

ENVIRONMENT DEPARTMENT

No. MPN-1086/499/CR-100/D-III (III). - (New Administrative Building 15th floor, Mantralaya, Bombay 400 032, dated 23rd August, 1991). - In exercise of the power conferred by clause (b) of sub-section (1) of section 52 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), the Government of Maharashtra hereby specifies the laboratories mentioned in column 2 of the Schedule hereto appended, as the State Water Laboratories to carry out the functions entrusted to them under the said Act; and for that purpose amends Government Notification, Urban Development Department, No. WBP-1083/118/CR No 32/UD-17, dated the 2nd May 1983 (hereinafter referred to as "the said notification"), as follows, namely :-

In the said notification, in paragraph (2), after entry (v), the following entries shall be added namely :-

- (vi) The District Public Health Laboratory, Solapur.
- (vii) The District Public Health Laboratory, Washi-New Bombay.
- (viii) The District Public Health Laboratory, Jalgaon.
- (ix) The District Public Health Laboratory, Nanded,
- (x) The District Public Health Laboratory, Amravati.

(xi) The District Public Health Laboratory, Sangli."

SCHEDULE

Serial No. (1)	Name of Laboratory (2)
1	The District Public Health Laboratory, Solapur.
2	The District Public Health Laboratory, Vashi-New Bombay.
3	The District Public Health Laboratory, Jalgaon.
4	The District Public Health Laboratory, Nanded.
5	The District Public Health Laboratory, Amravati
6	The District Public Health Laboratory, Sangli.

Published in the Maharashtra Government Gazette, Extraordinary, Part IV-Ba, dated August 30, 1991.

No. STR. 1091/137(1)/Tax-1. (Mantralaya, Bombay 40 032, dated the 30th August, 1991).—Whereas the Government of Maharashtra is satisfied that circumstances exist which render it necessary to take immediate action further to amend the Bombay Sales Tax Rules, 1959 and to dispense with the condition of previous publication thereof under sub-section (4) of section 74 of the Bombay Sales Tax Act, 1959 (Bcm. LI of 1959) (hereinafter referred to as "the said Act") ;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clauses (x), (xx) and (xxv) of sub-section (2), read with the proviso to sub-section (4) of section 74 of the said Act, and of all other powers enabling it in that behalf the Government of Maharashtra hereby makes the following rules further to amend the Bombay Sales Tax Rules, 1959, namely :—

1. (1) These rules may be called the Bombay Sales Tax (Third Amendment) Rules, 1991.

(2) They shall be deemed to have come into force from the 19th day of April, 1991.

2. For Form N-18B appended to the Bombay Sales Tax Rules, 1959 the following Form shall be substituted, namely :—

FORM N-18B

Return-cum-challan of Tax payable by a dealer under the Bombay Sales Tax Act, 1959

(See Rules 22 and 30)

(Omitted)

Published in Maharashtra Government Gazette, Extraordinary, Part IV-Ba, dated August 30, 1991.

FINANCE DEPARTMENT

No. CSTR. 1091/137(2)/Tax-1.—(Mantralaya, Bombay 400 032, dated

the 30th August, 1991).—In exercise of the powers conferred by sub-sections (3) and (4) of section 13 of the Central Sales Tax Act, 1956 (LXXIV of 1956), and to all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Central Sales Tax (Bombay) Rules, 1957, namely :—

1. (1) These rules may be called the Central Sales Tax (Bombay) (Second Amendment) Rules, 1991.

(2) They shall be deemed to have come into force from the 19th day of April, 1991.

2. For Form III (BB) appended to the Central Sales Tax (Bombay) Rules, 1957, the following Form shall be substituted, namely :—

FORM III (BB)

Return-cum-Chalan under rule 5 of the Central Sales Tax (Bombay) Rules, 1957

(See Rule 5)

Published in the Maharashtra Government Gazette, Extraordinary, Part IV-Ba, dated 27th September, 1991.

FOOD AND CIVIL SUPPLIES DEPARTMENT

No. LVY-1389/1490/CR-1245/CS-29.—(Mantralaya Bombay 400 032, dated the 27th September, 1991).—In exercise of the powers conferred by sub-sections (1) and (2) of section 9 of the Essential Commodities Act, 1955 (10 of 1955) read with the Government of India, Ministry of Agriculture (Department of Food) Order No. GSR. 452(E), dated the 25th October, 1972 and the Government of India, Ministry of Agriculture and Irrigation (Department of Food), Order No. GSR 80), dated the 9th June, 1978, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following Order further to amend the Maharashtra Rice (Levy on Rice Millers) Order, 1989, namely :—

1. (1) This Order may be called the Maharashtra Rice (Levy on Rice Millers) (Amendment) Order, 1991.

(2) It shall come into force with effect from 1st October, 1991.

2. In the Maharashtra Rice (Levy on Rice Millers) Order, 1989, for the existing Schedules II the following shall be substituted, namely :—

Schedule II

[See clause 2(f) and (4) Levy Prices of Rice]

Serial No. (1)	Classification of rice (2)	Price per Quintal (3)
		Rs. P.
1	Common	377.90
2	Fine	393.15
3	Superfine	408.45

Note :—The above prices are inclusive of Octroi charge and Mandi

charges at paddy stage and depreciation of gummy for packing paddy but exclusive of gummy charges for rice.

Published in the Maharashtra Government Gazette, Extraordinary, Part IV (Aa), dated 30th October, 1991.

LAW AND JUDICIARY DEPARTMENT

No. CRC. 4091/757(90)-XL—(*Mantralaya, Bombay 400 032, dated the 3rd October, 1991*).—In exercise of the powers conferred by sub-section (1) of section 36 of the Narcotic Drugs and Psychotropic Substances Act, 1985, (Act No. 61 of 1985), the Government of Maharashtra for the purpose of providing speedy trial of the offences under the said Act, hereby constitutes two additional Special Courts for Greater Bombay.

END

THE CURRENT INDIAN STATUTES

SUPPLEMENT

GUJARAT & MAHARASHTRA

1991

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Published in the Gazette of India, Extraordinary, Part II, Section 3(ii), No. 335, dated June 4, 1991.

MINISTRY OF COMMERCE

S.O. 341 (E).—(*New Delhi, the 4th June, 1991*).—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following order further to amend the Exports (Control) Order, 1988 :—

1. (1) This Order may be called the Exports (Control) Seventh Amendment Order, 1991.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In Schedule III, OGL number 3, against serial number 48, in item number (ii), for the entry under column 4, the following entry shall be substituted, namely :—

“Export of chips of rough, irregular size and shape and of different sizes and with a weight not exceeding 50 grammes each will be allowed on production of a Certificate of Origin issued by the Chief Conservator of Forests for Andhra Pradesh, Tamil Nadu or Karnataka.”

Published in the Gazette of India, Extraordinary, Part II, Section 3 (ii), No. 336, dated June 4, 1991.

MINISTRY OF COMMERCE

S.O. 382 (E).—(*New Delhi, the 30th May, 1991*).—Whereas a draft of certain rules further to amend the Tea Rules, 1954, was published as required by sub-section (1) of section 49 of the Tea Act, 1953 (29 of 1953), at page 7 of the Gazette of India, Part II, section 3, sub-section (i) dated the 31st October, 1990 with the notification of the Government of India in the Ministry of Commerce G.S.R. 831 (E), dated 31st October, 1990, inviting objections or suggestions from all persons likely to be affected thereby within a period of forty-five days from the date of publication of the said notification in the Official Gazette.

And whereas the said Gazette was made available to the public on the 22nd November, 1990 ;

And whereas no objections or suggestions were received from the public on the said draft ;

Now, therefore in exercise of the powers conferred by sub-section (1) of section 49, read with clause (h) of sub-section (2) of section 49 of the said Act, the Central Government hereby makes the following rules further to amend the Tea Rules, 1954, namely :—

1. (1) These rules may be called the Tea (Amendment) Rules, 1991.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Tea Rules, 1954, for rules 13 and 13A, the following rules shall be substituted, namely :—

“13. **Function of Committees.**—The Executive Committee, the Licensing Committee, the Labour Welfare Committee and the Development Committee shall discharge such functions and exercise such powers, not being those mentioned in Rule 18, as may be delegated to them by the Board :

Provided that all decisions taken by the aforesaid committees in the exer-

cise of the delegated powers shall be placed before the Board for information within a period of fifteen days from the date on which the decision was taken.”;

“13A. Powers of the Export Promotion Committee.—The Export Promotion Committee shall exercise all the executive and financial powers of the Board in respect of matters relating to Tea promotion subject to the overall control of the Board :

Provided that all decisions, taken by the aforesaid committee in the exercise of the delegated powers shall be placed before the Board for information within a period of fifteen days from the date on which the decision was taken.”

Published in the Gazette of India, Extraordinary, Part II, Section 3 (i), No. 254, dated July 15, 1991.

MINISTRY OF CIVIL SUPPLIES & PUBLIC DISTRIBUTION

G.S.R. 354 (E). (*New Delhi, the 15th July, 1991*).—In exercise of the powers conferred by section 83 of the Standards of Weights and Measures Act, 1976 (60 of 1976), the Central Government hereby makes the following rules to amend the Standards of Weights and Measures (General) Rules, 1987, namely :

1. (1) These rules may be called the Standards of Weights and Measures (General) Amendment Rules, 1991.

(2) They shall come into force on the date of their publication in the Official Gazette.

2- In the Eighth Schedule to the Standards of Weights and Measures (General) Rules, 1987, under the heading “Part I-Dispensing Pumps”,—

(a) in sub-heading “4. Tests”, for item (b), the following item shall be substituted, namely :—

“(b) A dispensing pump of registration mechanism showing not more than 3 litres shall be verified by a check measure of the denomination of one litre and other dispensing pumps shall be verified by check measure of the denomination of 5, 10 or 20 litre.”

(b) in sub-heading “5. Maximum Permissible error”, after the third entry, the following shall be inserted, namely :

“1 litre 10 ml. Same as on verification 5 ml.”

Published in the Gazette of India, Extraordinary, Part II, Section 3 (i), No. 255, dated July 18, 1991.

MINISTRY OF FINANCE

G.S.R. 344 (E). - (*New Delhi, the 18th July, 1991*).—In exercise of the powers conferred by section 37 of the Central Excise and Salt Act, 1944 (1 of 1944), the Central Government hereby makes the following rules further to amend the Central Excise Rules, 1944, namely :

1. (1) These rules may be called the Central Excise (Fifth Amendment) Rules, 1991.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Excise Rules, 1944, in rule 2, the following amendments shall be made, namely :

(a) in clause (ii), sub-clause (A), for item (n), the following items shall be substituted, namely :—

“(n) in the districts of Durg, Rajnandgaon, Bastar, Raipur, Bilaspur, Raigarh, Serguja, Jabalpur, Narsingpur, Balaghat, Seoni, Chhindwara, Mandla, Shahdol, Satna, Rewa, Sidhi and Panna of the State of Madhya Pradesh, the Collector of Central Excise, Raipur.

(na) in the districts, other than those specified in item (n) above, of the State of Madhya Pradesh, the Collector of Central Excise, Indore ;”.

(b) in clause (iia), for sub-clause (m), the following sub-clause shall be substituted, namely :—

“(m) (i) the Collector of Central Excise, Indore ;

(ii) the Collector of Central Excise, Raipur ;

(iii) the Collector of Central Excise, Nagpur ;

the Collector of Central Excise (Appeals), Bhopal.”.

(c) in clause (viiia), for sub-clause (G), the following sub-clause shall be substituted, namely :—

“(G) (1) Collector Central Excise, Ahmedabad ;

(2) Collector of Central Excise, Indore ;

(3) Collector of Central Excise, Raipur ;

(4) Collector of Central Excise, Rajkot ;

(5) Collector of Central Excise, Vadodara ;

the Principal Collector of Central Excise, Vadodara.”.

Published in the Gazette of India, Extraordinary, Part II, Section 3 (ii), No. 377, dated July 1, 1991.

MINISTRY OF COMMERCE

S.O. 435 (E).— (*New Delhi, the 1st July, 1991*).—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1988, namely :—

1. (1) This Order may be called the **Exports (Control) (Eighth Amendment) Order, 1991**.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Exports (Control) Order, 1988,—

(i) In Schedule I, in Part 'B', in List 3, for the existing item (i) of the serial number 22 and the entries relating thereto, the following shall be substituted, namely :—

“(i) Iron and Steel other than Pig Iron and cast iron pipes and fittings, namely :—

Steel produced by integrated steel plants, alloy steel plants, Mini-steel plants, secondary producers and re-rollers.” ;

(ii) In Schedule III, in O.G.L. No. 3, in column No. 2 for the existing item (i) of the serial number 22 and the entries relating thereto, the following shall be substituted, namely :—

“(i) Iron and Steel other than Pig Iron and cast iron pipes and fittings, namely :—

Steel produced by integrated steel plants, alloy steel plants, Mini-steel Plants, secondary producers and re-rollers”.

Published in the Gazette of India, Extraordinary, Part II, Section 3 (i), dated 2nd February, 1991.

MINISTRY OF LABOUR

Notn. No. S-65012/1/89-55-(W).—(Dated 2nd February, 1991).—In exercise of the powers conferred by section 95 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, after consultation with the Employees' State Insurance Corporation hereby makes the following rules further to amend the Employees' State Insurance (Central) Rules, 1950, namely :—

1. (1) These rules may be called the Employees' State Insurance (Central) (Amendment) Rules, 1991.

(2) They shall come into force with effect from the 1st February, 1991.

2. In the Employees' State Insurance (Central) Rules, 1950,—

(i) after clause (1), the following clauses shall be inserted, namely :—

(1-A) "Average daily wages during a contribution period" means, in respect of any employee for the purposes of the daily rate of sickness benefit, maternity benefit, disablement benefit and dependent's benefit, the sum equal to one hundred and fifteen per cent of the aggregate amount of wages payable to him during that period, divided by the number of days (including paid holidays and leave days) for which such wages were payable :

(1-B) "Average daily wages during a wage period" means—

(a) in respect of an employee who is employed on time-rate basis the amount of wage which would have been payable to him for the complete wage period had he worked on all the working days in that wage period, divided by 26 if he is monthly rated, 13 if he is fortnightly rated, 6 if he is weekly rated and 1 if he is daily rated ;

(b) in respect of an employee employed on any other basis, the amount of wages earned during the complete wage period in the contribution period divided by the number of days in full or part for which he has worked for wages in that wage period :

Provided that where an employee receives wages without working on any day during such wage period, he shall be deemed to have worked for 26, 13, 6 or 1 day or days if the wage period be a month, a fortnight, a week or a day respectively.

Explanation. Where any night shift continues beyond midnight, the period of the night shift after midnight shall be counted for reckoning the day worked as part of the day proceeding ;

(1-C) "benefit period" means the period not exceeding six consecutive months corresponding to the contribution period, as may be specified in the regulations.

(ii) after clause (2), the following clause shall be inserted namely :—

(2-A) "Contribution period" means the period not exceeding six consecutive months, as may be specified in the regulations.

(iii) after clause (7), the following clause shall be inserted, namely :—

(7-A) "Standard benefit rate" means the daily rate of benefit specified in Rule 54.

(iv) after clause (9), the following clause shall be inserted, namely :—

(10) all other words and expressions shall have the meaning respectively assigned to them in the Act.

(2) in Rule 10, for word "eleven", the word "fifteen" shall be substituted;

(3) for Rule 15, the following rule shall be substituted, namely :—

"15. Salaries, allowances and conditions of service of the Director General of Financial Corporation.—(1) Director General shall be in the scale of pay of Rs 7300-7600 and the Financial Commissioner shall be in the scale of pay of Rs. 5900-6700.

(2) The Director General and the Financial Commissioner shall receive dearness allowance, city compensatory allowance, house rent allowance, travelling allowance and other allowances, at such rates, and such provident fund, leave and medical benefit as may be sanctioned for the officers of the Central Government drawing similar salary at the place where they are posted :

Provided that where the Director General or the Financial Commissioner is a person already in the service of the Corporation, he shall be entitled to pension, gratuity and other superannuation benefits to which he would have been otherwise entitled but for his appointment as the Director General or the Financial Commissioner :

Provided further that the pay, allowances and other conditions of service of the Director General or the Financial Commissioner, if he is a person already in the service of the Government, shall be such as may be determined by the Central Government in each individual case."

(4) in Rule 16, in sub-rule (1), the clause (ii) shall be omitted.

(5) Rules 17 and 18 shall be omitted ;

(6) in Rule 19, for the words "Chief Accounts Officer", the words "Financial Commissioner" shall be substituted ;

(7) for Rule 20, the following rule shall be substituted, namely : —

"20 Creation of posts by the Corporation.—The powers for creation of posts vested in the Corporation under sub-section (1) of section 17 of the Act shall be exercised by the Corporation in relation to posts carrying maximum scale of pay of Rs. 4500-5700 ;

(8) in Rule 21, in sub-rule (2), for the words "Chief Accounts Officer" the words "Financial Commissioner" shall be substituted ;

(9) Rule 36 shall be omitted ;

(10) in Rule 37, for the words "the auditors", the words "the Comptroller and Auditor General of India" shall be substituted ;

(11) in Rule 38, for the word "auditors", occurring at two places the words "Comptroller and Auditor General of India" shall be substituted ;

(12) in Rule 39 for the words "auditors' report", the words "report of the Comptroller and Auditor General of India" shall be substituted ;

(13) in Rule 40, in sub-rule (2), for the words "auditors' report" occurring at two places, the words "report of the Comptroller and Auditor General of India" shall be substituted ;

(14) in Rule 41,

(a) for the words "auditors' report" occurring at two places, the words "the report of the Comptroller and Auditor General of India" shall be substituted ;

(b) after the words "copies thereof", the words "together with the comments of the Corporation on the report of the Comptroller and Auditor General of India" shall be inserted ;

(15) Rule 43 shall be omitted ;

(16) after Rule 49, the following rules shall be inserted, namely : -

"50. Wage limit for coverage of employee under the Act. -The wage limit for coverage of an employee under sub-clause (c) of clause (9) of Section 2 of the Act shall be one thousand and six hundred rupees a month :

Provided that an employee whose wages (including remuneration for overtime work) exceed one thousand and six hundred rupees a month at any time after and not before the beginning of the contribution period, shall continue to be an employee until the end of that period."

51. Rates of contribution.—The amount of contribution for a wage period shall be in respect of,—

(a) employer's contribution, a sum (rounded to the next higher multiple of five paise) equal to five per cent of the wages payable to an employer ; and

(b) employee's contribution, a sum (rounded to the next higher multiple of five paise) equal to two and one fourth per cent of the wages payable to an employee.

52. Exemption from payment of employee's contribution. The average daily wages during a wage period for exemption from payment of employee's contribution under Section 42 shall be up to and inclusive of rupees fifteen.

52. Writing off of losses.—(1) Where the Corporation is of the opinion that the amount of contribution, interest and damages due to the Corporation has become irrecoverable, the Corporation or any other officer authorised by it in this behalf may sanction the writing off of the said amount, subject to the following conditions, namely :—

(i) establishment or factory has been closed for more than five years and the whereabouts of the employer cannot be ascertained, despite all possible efforts :

(ii) decree obtained by the Corporation could not be executed successfully for want of sufficient assets of the defaulting employer ; or

(ii) claim for contribution is not fully met by—

(a) the Official Liquidator in the event of factories establishments having gone into liquidation ; or

(b) the Commissioner of payments in the event of unit being nationalised, or taken over by the Government.

54. Daily rate of benefit.—Daily rate of benefit (hereinafter referred to as the "Standard benefit rate", in respect of group of employees specified in the first column of the table below shall be the amount respectively specified in the corresponding entry in the second column thereof.

TABLE

Group of employees whose average daily wages are,	Standard benefit rate Rs. P.
1. Below Rs. 6	2.50
2. Rs. 6 and above but below Rs. 8	3.50
3. Rs. 8 and above but below Rs. 12	5.00
4. Rs. 12 and above but below Rs. 16	7.00
5. Rs. 16 and above but below Rs. 24	10.00

1	2
6. Rs. 24 and above but below Rs. 36	15.00
7. Rs. 36 and above but below Rs. 48	20.00
8. Rs. 48 and above	28.00

55. Sickness benefit.—(1) Subject to the provisions of the Act and the regulations, a person shall be qualified to claim sickness benefit for sickness occurring during any benefit period if the contributions in respect of him were payable for not less than half the number of days of the corresponding contribution period and shall be entitled to receive such benefit at the daily standard benefit rate for the period of his sickness :

Provided that he shall not be entitled to the benefits for the first two days of sickness in the case of a spell of sickness following, as an interval of not more than fifteen days, the spell of sickness for which sickness benefit were last paid :

Provided further that sickness benefits shall not be paid to any person for more than ninety one days in any two consecutive benefit periods.

(2) The daily rate of sickness benefits in respect of a person during any benefit period shall be the "standard benefit rate" specified in Rule 54 corresponding to the average daily wages of that person during the corresponding contribution period.

56. Maternity benefits.—(1) An insured woman shall be qualified to claim maternity benefits for a confinement occurring or expected to occur in a benefit period, if the contributions in respect of her were payable for not less than eighty days in the immediately preceding two consecutive contribution periods.

(2) Subject to the provisions of the Act and the regulations, if any, an insured woman who is qualified to claim maternity benefits in accordance with sub-rule (1) shall be entitled to receive at the daily rate specified in sub-rule (5) for all days on which she does not work for remuneration during a period of twelve weeks of which not more than six weeks shall precede the expected date of confinement :

Provided that where the insured woman dies during her confinement or during the period of six weeks immediately following her confinement for which she is entitled to maternity benefits leaving behind in either case, the child, maternity benefits shall be paid for the whole of that period but if the child also dies during the said period, then for the days up to and including the day of the death of the child, to the person nominated by the insured woman, in such manner as may be specified in the regulations, and if there is no such nominee, to her legal representative.

(3) An insured woman who is qualified to claim maternity benefits in accordance with sub-rule (1) shall, in case of miscarriage or medical termination of pregnancy, be entitled, on production of such proof, as may be required under the regulations, to maternity benefits at the rates specified in sub-rule (:), for all days on which she does not work for remuneration during a period of six weeks immediately following the date of her miscarriage or medical termination of pregnancy.

(4) An insured woman who is qualified to claim maternity benefits in

accordance with sub-rule (1), in case of sickness arising out of pregnancy, confinement, premature birth of child or miscarriage or medical termination of pregnancy shall, on production of such proof as may be required under the regulations, be entitled, in addition to the maternity benefits payable to her under any other provisions of the Act ; for all days on which she does not work for remuneration to maternity benefits at the rates specified in the sub-rule (5) for all days on which she does not work for remuneration during an additional period not exceeding one month.

(5) The daily rate of maternity benefits payable in respect of confinement occurring or expected to occur during any benefit period shall be equal to twice the "standard benefit rate" specified in Rule 54 corresponding to the average daily wages in respect of the insured woman during the corresponding contribution period.

57. Disablement benefits. (1) A person shall be qualified to claim disablement benefits for temporary disablement for not less than three days (excluding the day of accident) for the period of such disablement sustained as an employee under the Act.

(2) A person shall be qualified to claim periodical payment for permanent disablement sustained as an employee under the Act, whether total or partial, for such disablement :

Provided that where permanent disablement, whether total or partial, has been assessed provisionally for a limited period or finally, the benefit provided under this rule shall be payable for that limited period, or as the case may be, for life.

(3) (a) The daily rate of disablement shall be, forty per cent more than the standard benefit rate specified in Rule 54 rounded to the next higher multiple of five paise corresponding to the average daily wages in the contribution period corresponding to the benefit period in which the employment injury occurs.

(b) Where an employment injury occurs before the commencement of the first benefit period in respect of a person, the daily rate of disablement shall be—

(i) where a person sustains employment injury after the expiry of the first wage period in the contribution period in which the injury occurs the rate, forty per cent more than the standard benefit rate rounded to the next higher multiple of five paise corresponding to the wage group in which has average daily wages during that wage period fall ;

(ii) where a person sustains employment injury before the expiry of the first wage period in the contribution period in which the injury occurs, the rate, forty per cent more than the standard benefit rate, rounded to the next higher multiple of five paise corresponding to the group in which wages are actually earned on which would have been earned, had he worked for a full day on the date of accident, fall.

Explanation.—The disablement benefit calculated as aforesaid shall be called the "full rate".

(4) The disablement benefits shall be payable to the insured person as follows—

- (a) for temporary disablement, at the full rate ;
- (b) for permanent total disablement, at the full rate ;
- (c) for permanent partial disablement resulting from an injury specified

in Part II of the Second Schedule, at such percentage of the full rate which would have been payable in the case of permanent total disablement, as specified in the said Schedule as being the percentage of the loss of earning capacity caused by the injury ;

(d) for permanent partial disablement resulting from an injury not specified in Part II of the Second Schedule, at such percentage of the full rate payable in the case of permanent total disablement as is proportionate to the loss earning capacity permanently caused by the injury.

Explanation.—Where more injuries than one are caused by the same accident, the rate of benefit payable under clauses (c) and (d) shall be aggregated but not so in any case as to exceed the full rate and in cases of disablement not covered by clause (a), (b), (c) and (d) at such rate, not exceeding the full rate, as may be provided in the regulations.

58. Dependent's benefits.—(1) Dependents benefit shall be paid to the dependents of the insured persons who dies as a result of an employment injury, in the following manner :—

(A) In the case of death of the insured person, the dependents' benefits shall be payable to his widow and children as follows—

(a) to the widow during life until remarriage, an amount equivalent to three-fifths of the full rate and, if there are two or more widows, the amount payable to the widow as aforesaid shall be divided equally between the widows ;

(b) to each legitimate or adopted son, an amount equivalent to two-fifths of the full rate until he attains the age of eighteen years :

Provided that in the case of a legitimate son who is infirm and who is wholly dependant on the earnings of the insured person at the time of his death, dependent's benefits shall continue to be paid while the infirmity lasts ;

(c) to each legitimate or adopted unmarried daughter an amount equivalent to two-fifths of the full rate until she attains the age of eighteen years or until marriage whichever is earlier ;

Provided that in the case of legitimate or adopted unmarried daughter who is infirm and is wholly dependent on the earnings of the insured person at the time of his death, dependent's benefit shall continue to be paid while the infirmity lasts and she continues to be unmarried :

Provided further that if the total of the dependants' benefits distributed among the widow or widows and legitimate or adopted children of the deceased person as aforesaid exceeds at any time the full rate, the share of each of the dependants shall be proportionately reduced, so that the total amount payable to them does not exceed the amount of disablement benefits at the full rate.

(B) In case the deceased person does not leave a widow or legitimate or adopted child, dependants' benefit shall be payable to other dependants as follows—

(a) to a parent or grand-parent, for life, at as amount equivalent to three-fifths of the full rate and if there are two or more parents or grand-parents, the amount payable to the parents or grand-parents or aforesaid shall be equally divided between them.

(b) to any other—

(i) male dependent, until he attains the age of eighteen years.

(ii) female dependent, until she attains the age of eighteen years or until

marriage, whichever is earlier or if widowed, until she attains eighteen years of age or remarriage whichever is earlier :

at an amount equivalent to two-tenths of the full rate :

Provided that if there be more than one dependant under clause (b) the amount payable under this clause shall be equally divided between them.

(2) (a) The daily rate of dependant's benefit shall be forty per cent more than the "standard benefit rate" specified in Rule 54 rounded to the next higher multiple of five paise corresponding to the average daily wages in the contribution period corresponding to the benefit period in which the employment injury occurs.

(b) Where an employment injury occurs before commencement of the first benefit period in respect of a person, the daily rate of dependent's benefit shall be —

(i) where a person sustains employment injury after the expiry of the first wage period in the contribution period in which the injury occurs the rate, forty per cent more than the standard benefit rate rounded to the next higher multiple of five paise corresponding to the wage group in which his average daily wages during that wage period fall ;

(ii) where a person sustains employment injury before the expiry of the first wage period in the contribution period in which the injury occurs, the rate, forty per cent more than the standard benefit rate, rounded to the next higher multiple of five paise corresponding to the group in which wages actually earned or which have been earned and he worked for a full day on the date of accident fall.

Explanation. — The dependant's benefit rate calculated as aforesaid shall be called the "full rate".

59. **Funeral expenses.** — The amount of funeral expenses for the purpose of clause (f) of sub-section (1) of Section 46 of the Act shall be one thousand rupees.

60. **Medical benefits to insured person who ceases to be in an insurable employment on account of permanent disablement.** — An insured person who ceases to be in an insurable employment on account of permanent disablement caused due to an employment injury shall be eligible to receive medical benefits for himself and his spouse at the scale prescribed under the Act and the regulations made thereunder till the date on which he would have vacated the employment on attaining the age of superannuation, had he not sustained such permanent disablement subject to, —

(i) the production of proof by such an insured person that he ceased to be in an insurable employment on account of permanent disablement due to employment injury to the satisfaction of such officer as may be authorised by the Corporation ; and

(ii) the payment of contribution at the rate of ten rupees per month in lump sum for one year at a time in advance to the concerned office of the corporation in the manner prescribed by it.

61. **Medical benefits to retired insured persons.** — An insured person who leaves the insurable employment on attaining the age of superannuation after being insured for not less than five years, shall be eligible to receive medical benefits for himself and his spouse at the scale prescribed under the Act and the regulations made thereunder, subject to —

(i) the production of proof of his superannuation and having been in the

insurable employment for a minimum of five years to the satisfaction of such officer as may be authorised by the Corporation; and

(ii) the payment of contribution at the rate of ten rupees per month in lump sum for one year at a time in advance to the concerned office of the Corporation in the manner prescribed by it.

62. Bar on grant of cash benefits. Where an insured person is convicted under Section 84 of the Act, he shall not be entitled to any cash benefit admissible under the Act for a period of three months for first conviction and six months for each subsequent conviction from the date of receipt of judgment of the court in the concerned office of the Corporation.

Published in the Gazette of India, Part II, Section 3(i), dated 2nd February, 1991.

MINISTRY OF LABOUR

G.S.R. 77.—(New Delhi, 22nd January, 1991)—In exercise of the powers conferred by sub-section (1) of section 15 read with second proviso to sub-section (1) of Section 4, of the Payment of Gratuity Act, 1972 (39 of 1972), the Central Government hereby makes the following rules further to amend the Payment of Gratuity (Central) Rules, 1972, namely:—

1. (i) These rules may be called the Payment of Gratuity (Central) (Amendment) Rules, 1991.

(ii) They shall come into force with effect from 1st day of February, 1991.

2. In the Payment of Gratuity (Central) Rules, 1972, in Rule 9, after the second proviso, the following proviso shall be inserted namely:—

“Provided further that in the case of a nominee, or an heir, who is a minor, the controlling authority shall invest the gratuity amount deposited with him for the benefit of such minor in term deposit with the State Bank of India or any of its subsidiaries or any Nationalised Bank.

Explanation.—“Nationalised Bank” means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or a corresponding new bank specified in the First Schedule of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980).”

Published in the Gazette of India (Extra.), Part II, Section 3(ii), No. 544, dated 25th September, 1991.

MINISTRY OF COMMERCE

S.O. 637 (E) 1.—(New Delhi, the 25th September, 1991).—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1988, namely:—

1. (1) This Order may be called the Exports (Control) (Seventeenth Amendment) Order, 1991.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Exports (Control) Order, 1988, in Schedule 1, in List-2, in Part 'C' after serial number 62, the following item shall be inserted, namely:—

1	2	3
	"63. Guargum Splita.	Exports allowed subject to Minimum Export Price of U.S. \$ 600 per Metric Tonne (F.O.B.)."

Published in the Gazette of India (Extra.) Part II, Sec. 3(ii), No. 507, dated 13th September, 1991.

MINISTRY OF COMMERCE

S.O. 592(E). —(New Delhi, the 13th September, 1991). —In exercise of the powers conferred by Section 3 of the Import and Export (Control) Act, 1947 (1 of 1947), the Central Government hereby make the following Order further to amend the Imports (Control) Order, 1955, namely :—

1. (i) This order may be called the Imports (Control) (2nd Amendment) Order, 1991.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In Schedule II to the Imports (Control) Order, 1955, the existing entries against S Nos. 9 to 15, shall be substituted by the following, namely :—

1	2	3
9.	Asstt. Chief Controller of Imports & Exports/ Controller of Imports & Exports, Gandhidam.	For any goods covered by Schedule I
10.	Development/Jt. Development/Dy. Development/ Asstt. Development Commissioner of the following Export Processing Zones/Free Trade Zones in so far as units situated within the respective Zones, and approved 100 per cent EOUs registered with them, and supplies of goods from Domestic Tariff Area (DTA) to the above said units for claiming the import replenishment licences in accordance with the import policy for registered exporters, against such supplies, are concerned ; (i) Santacruz Electronics Export Processing Zone, Andheri East, Bombay ; (ii) Kandla Free Trade Zone, Kandla, Gandhidham ; (iii) Madras Exports Processing Zone, Madras ; (iv) Cochin Export Processing Zone, Cochin ; (v) NOIDA Export Processing Zone, Noida ; (vi) Falta Export Processing Zone, Calcutta ; and (vii) Vishakhapatnam Export Processing Zone, Vishakhapatnam.	

Published in the Gazette of India, (Extraordinary), Part II, Section 3 (ii), No. 523, dated 19th September, 1991.

MINISTRY OF FINANCE

S. O. 610 (E).—(*New Delhi, the 19th September, 1991*).—In exercise of the powers conferred by sub-section (2) of section 1 of the Central Excise and Customs Law (Amendment) Act, 1991 (40 of 1991), the Central Government hereby appoints the 20th September, 1991, to be the date on which the said Act shall come into force.

Published in the Gazette of India, (Extraordinary), Part II, Section 3 (ii), No. 476, dated 28th August, 1991.

MINISTRY OF LABOUR

S. O. 555 (E).—(*New Delhi, the 28th August 1991*).—In exercise of powers conferred by sub-section (2) of section 1 of the Employees' State Insurance (Amendment) Act, 1989 (29 of 1989), the Central Government hereby appoints the 1st September, 1991, as the date on which the provisions of section 16 of the said Act, shall come into force.

Published in the Gazette of India, (Extraordinary), Part II, Section 3 (ii), No. 451, dated 21st August, 1991.

MINISTRY OF FINANCE

S. O. 540 (E).—(*New Delhi, the 19th August, 1991*).—In exercise of the powers conferred by section 12 of the Capital Issues (Control) Act, 1947 (29 of 1947), the Central Government hereby makes the following rules further to amend the Capital Issues (Applications for Consent) Rules, 1966, namely :—

1. (i) These rules may be called the Capital Issues (Applications for Consent) (Amendment) Rules, 1991.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Capital Issues (Applications for Consent) Rules, 1966, in rule 4, for sub-rule (1) the following sub-rules shall be substituted, namely :—

“(1) Every application under these rules for consent for issue of capital upto the value specified in column (1) of the Table below shall be accompanied by a treasury receipt for the amount specified in the corresponding entry in column (2) thereof :

TABLE

Applications	Amount
(1)	(2)
(a) For each application for consent for issue of capital upto and including three crores of rupees.	Five thousand rupees
(b) For each application for consent for issue of capital exceeding three crores of rupees.	Ten thousand rupees

(1A) For the purposes of sub-rule (1), an application under any of the items of rule 5 shall be considered as a separate application for the purpose of calculation of fee in each case.”

Published in the Gazette of India, (Extra.), Part II, Section 3(ii), No. 453, dated 16th August, 1991.

MINISTRY OF AGRICULTURE

S.O. 530(E).— (*New Delhi, the 16th August, 1991*).— In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Fertiliser (Control) Order, 1955, namely :—

1. (1) This Order may be called the Fertiliser (Control) (Third Amendment) Order, 1991.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In sub-clause (3) of clause 13 of the Fertiliser (Control) Order, 1985, for the words "upto 27th July, 1991" the words "upto 27th July, 1992" shall be substituted.

Published in the Gazette of India (Extra.), Part II, Section 3(ii), No. 447, dated 14th August, 1991.

MINISTRY OF COMMERCE

S.O. 520 (E).— (*New Delhi, the 14th August, 1991*).— In exercise of the powers conferred by section 17 read with sub-section (3) of section 30 of the Tea Act, 1953 (29 of 1953), the Central Government hereby makes the following order further to amend the Tea (Regulation of Export Licensing) Order, 1984, namely :—

1. (1) This order may be called the Tea (Regulation of Export Licensing) Amendment Order, 1991.

(2) It shall come into force from the date of its publication in the Official Gazette.

2. In the Tea (Regulation of Export Licensing) Order, 1984, (1) in paragraph 5, in clause (d), for the figure and word "15 days", the figures and word "7 days" shall be substituted ;

(2) for paragraph 6 the following paragraph shall be substituted, namely :—

"6. Period of validity of registration.— A registration granted under clause (c) of paragraph 5 shall be valid for a period of 120 days from the date of registration."

(3) for paragraph 8, the following paragraph shall be substituted, namely :—

"8. Validity of licence for shipment.— No licence issued against contracts registered under this order shall be valid for shipment made after 120 days from the date of registration."

Published in the Gazette of India, (Extraordinary), Part II, Section 3 (ii), No. 266, dated 25th July, 1991.

MINISTRY OF FINANCE

G.S.R. 496 (E).— (*New Delhi, the 25th July, 1991*).— In exercise of the powers conferred by section 48 of the Finance Act, 1989 (13 of 1989), the Central Government hereby makes the following rules further to amend the Inland Air Travel Tax Rules, 1989, namely :—

1. (1) These rules may be called the Inland Air Travel Tax (Amendment) Rules, 1991.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Inland Air Travel Tax Rules, 1989, for the existing rule 6A, the following rule shall be substituted, namely :—

“6A. **Payment of Collection Charges.**—The Collector of Customs shall as soon as may be after the end of each financial year, pay to a carrier, collection charges at the rate of five per cent of the amount of tax paid by the carrier during that year as reduced by refund, of the tax, if any, made to the passengers during that year by the carrier”

Published in the Gazette of India, (Extraordinary), Part II, Section 3 (ii), No. 386 dated 2nd July, 1991.

MINISTRY OF AGRICULTURE

S.O. 444 (E).—(*New Delhi, the 2nd July, 1991*).—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Fertiliser (Control) Order, 1985, namely :—

1. (1) This order may be called the Fertiliser (Control) (Second Amendment) Order, 1991.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In Schedule I to the Fertiliser (Control) Order, 1985, under the heading “Part-B. Tolerance limit in plant nutrient for various fertilisers.”

(1) in Serial Number 3, for the entry relating thereto, the following entry shall be substituted, namely :—

“0.5 units each for N and P contents”.

(2) in Serial Number 4 after the words “complex fertilisers”, the words “Physical mixtures of fertilisers (N.P.K. mixtures)” shall be added at the end.

Published in the Gazette of India, Extraordinary, Part II, Section 3 (i), No. 264, dated 25th July, 1991.

MINISTRY OF HEALTH AND FAMILY WELFARE

G.S.R. 494(E).—(*New Delhi, the 25th July, 1991*).—Whereas certain draft rules further to amend the Prevention of Food Adulteration Rules, 1955, were published as required by sub-section (1) of section 23 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), with the notification of the Government of India, in the Ministry of Health and Family Welfare (Department of Health), G.S.R. No. 733(E), dated 23rd August, 1990 in the Gazette of India Extraordinary, Part II, Section 3, sub-section (i), dated the 23rd August, 1990 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period sixty days from the date on which the Gazette copies of the said notification were made available to the public ;

And, whereas the copies of the said Gazette were made available to the public on the 7th September, 1990 ;

And, whereas the objections and suggestions received from the public on the said draft rules have been considered by the Central Government ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 23 of the said Act, the Central Government after consultation with the Central Committee for Food Standards, hereby makes the following rules, further to amend the Prevention of Food Adulteration Rules, 1955, namely :—

RULES

1. (1) These rules may be called the Prevention of Food Adulteration

(Sixth Amendment) Rules, 1991.

(2) They shall come into force after three months from the date of their publication in the Official Gazette.

2. In Appendix 'B' to the Prevention of Food Adulteration Rules, 1953 (hereinafter to as the said Rules), after item A. 16.12, the following item shall be inserted, namely :—

"A. 16.12.41.— Soyabean sauce shall be the product derived from any suitable variety of sound and wholesome soyabean, free from insect or fungal or any other blemish affecting the quality of Soyabean. The only substance that may be added are spices, salt, sugar, vinegar, acetic, onion, garlic, wheat molasses and permitted preservatives. It shall not contain any other fruit or vegetable substance. It shall show no sign of fermentation when incubated at 28-30°C and 35°C for three days.

It shall not contain any added colour except caramel.

The minimum total soluble solids shall not be less than 25 per cent mass/mass as determined by refractometers at 37°C for three days.

The total acidity in terms of acetic acid shall not be less than 0.6 per cent mass/mass.

Mould count shall not be more than 40 per cent of the fields examined.

Yeast spores shall not be more than 125 per 1/60 c.m.m. Bacterial shall not be more than 100 million per c.c.

Published in the Gazette of India, Extraordinary, Part II, Section 3 (i), No. 322, dated September 4, 1991.

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

G.S.R. 557(E).—(New Delhi, the 4th September, 1991).— In exercise of the powers conferred by clauses (d), (e) and (f) of sub-section (2) of section 35 and clause (c) of section 36 of the Administrative Tribunals Act, 1985 (13 of 1985), the Central Government hereby makes the following rules further to amend the Central Administrative Tribunal (Procedure) Rules, 1987, namely :—

1. (1) These rules may be called the Central Administrative Tribunal (Procedure) Second Amendment Rules, 1991.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Administrative Tribunal (Procedure) Rules, 1987, for rule 17, the following rule shall be substituted, namely :—

'17. Application for review :—

(1) No application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed.

(2) A review application shall ordinarily be heard by the same Bench which has passed the order, unless the Chairman may, for reasons to be recorded in writing, direct it to be heard by any other Bench.

(3) Unless otherwise ordered by the Bench concerned, a review application shall be disposed of by circulation and the Bench may either dismiss the application or direct notice to the opposite party.

(4) When an application for review of any judgment or order has been made and disposed of, no further application for review shall be entertained in the same manner.

(5) No application for review shall be entertained unless it is supported

by a duly sworn affidavit indicating therein the source of knowledge, personal or otherwise, and also those which are sworn on the basis of the legal advice. The counter affidavit in review application will also be a duly sworn affidavit wherever any averment of fact is disputed."

Published in the Gazette of India, Extraordinary, Part II, Section 3(i) No. 344, dated 20th September, 1991.

MINISTRY OF FINANCE

G.S.R. 599(E).—(New Delhi, the 20th September, 1991) —In exercise of the powers conferred by clause (aa) of sub-section (2) read with sub-section (1) of section 157 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby makes the following regulations, namely :—

1. **Short title and commencement.**— (1) These regulations may be called **Customs Application (Form) Regulations, 1991.**

(2) They shall come into force with effect on the 20th day of September, 1991.

2. An application for refund shall be filed in duplicate before the Assistant Collector of Customs, having jurisdiction over the Customs Port or Customs Airport or Customs warehouse where duty of Customs was paid, in form appended to these regulations.

FORM

To

The Assistant Collector of Customs,
Appraising Refunds/Postal Appg Dept.

We wish to lodge this claim for refund of customs duty which have been collected in excess from us as per details given below :

1. Bill of Entry No./Postal Parcel No.
2. Bill of Entry Cash No./Deposit No. with date/date of purchase
invoice
3. Description of goods covered by Bill of Entry/Post Parcel/Purchase
invoice
3. Name and address of
 - a. Importer
 - b. Clearing Agent
 - c. Applicant
5. Indicate whether the claim is covered under section 27(1) (a) or 27(1) (b)
6. In case of payment of duty under protest details of registration of protest.
7. Amount of MODVAT credit availed from the additional duty of customs paid and now covered by the refund claim.
8. Ground of claim.
9. Enclosures (No. of sheets should be specified against each claim).
10. Any further details that are deemed necessary and relevant to the claim
11. Indicate whether personal hearing is required or not.

DECLARATION

I _____ the applicant representing the importer _____, do hereby declare that what is stated above is true to the best of my information and belief. I also declare (a) that the excess duty paid and

claimed now for refund has been passed/has not been passed on to any other person by the importer ; (b) that the claim pertains to imports made by an individual for his personal use ; (c) that the import duty borne by the buyer of the imported goods at the time of buying from the importer has been passed/has not been passed on to any other person.

(Strike out whichever is not applicable)

Signature of the Applicant

Published in the Gazette of India, Extraordinary, Part II, Section 3(i), No. 317, dated 29th August, 1991.

MINISTRY OF RAILWAYS

G.S.R. 551(E). — (*New Delhi, the 29th August, 1991*). — In exercise of the powers conferred by sub-section (1) read with clause (b) of sub-section (2) of section 60 of the Railways Act, 1989 (24 of 1989), the Central Government hereby makes the following rules further to amend the Railway Passengers (Cancellation of Tickets and Refund of Fares) Rules, 1990, namely :

1. (1) These rules may be called the **Railway Passengers (Cancellation of Tickets and Refund of Fares) Amendment Rules, 1991.**

(2) They shall come into force on the first day of September, 1991.

2. In the Railway Passengers (Cancellation of Tickets and Refund of Fares) Rules, 1990,—

(1) for sub-rule (3) of rule 2, the following sub-rule shall be substituted, namely :

“(3) ‘fare’ includes basic fare, sleeper charge, supplementary charge, super-fast charge and reservation fee”

(2) in rule 3 for the word “every”, the words “Save as otherwise provided in these rules, every” shall be substituted,

(3) for rule 4, the following rule shall be substituted, namely :—

“4. Levy of clerkage charge—Save as otherwise provided in these rules, clerkage charges will be levied for cancellation of unreserved, wait-listed and RAC tickets only.”

(4) in rule 6 - (i) in clause (c) of sub-rule (1), for the words “three hours”, the words “six hours” shall be substituted.

(ii) in sub-rule (2), the explanation shall be omitted.

(5) in sub-rule (1) of rule 7, for the digit “3”, the words “six” shall be substituted.

(6) in rule 8, - (i) for the words “onward reservation is not confirmed” occurring in the marginal heading, the words “reservation for starting journey is confirmed and onward journey is not confirmed or vice versa” shall be substituted.

(i) in rule (1)—

(I) for the words “reservation fee shall also be refundable”, the words “fare shall be refundable after deducting only the clerkage charge of Rs. 2 per passenger—” shall be substituted.

(II) for the words “starting station on day”, occurring in clauses (a) and (b), the words “starting station upto one day” shall be substituted.

(7) in rule 9, (i) in sub-rule (2), —

(1) for the words “time of”, of the words “time for”, shall be substituted ;

(II) the words “upto 24 hours” shall be omitted ;

(ii) in sub-rule (4), for the words "journey has altered", the words "journey has been altered" shall be substituted.

(8) in rule 11, - (i) in sub-rule (1),—

(I) for the words "reservation fee shall also be refundable in addition to fare", the words "full fare shall be refundable" shall be substituted ;

(II) for the words "departure of the train", the words "departure of the train. In the case of RAC and wait-listed tickets, full refund will be admissible and the clerkage charge will be retained", shall be substituted.

(ii) in sub-rule (2), for the words "shall be refunded", the words "shall be refunded after retaining the fare for travelled portion" shall be substituted.

(9) in rule 12, for the words "refund of fare and reservation fee", the words "full refund of fare" shall be substituted.

(10) in sub-rule (2) of rule 13, for the words "refund of fare", the words "refund of fare. The fare for untravelled portion shall be refundable after retaining the fare for travelled portion" shall be substituted.

(11) In rule 14, - (i) in sub-rule 1, for the words "fare and reservation fee", the words "full fare" shall be substituted.

(ii) in sub-rule (2), for the words "shall be refunded" the words "shall be refunded after retaining the fare for travelled portion" shall be substituted.

(iii) In sub-rule (3) for the words "shall be refunded", the words "shall be refunded after retaining the fare for travelled portion" shall be substituted.

(iv) after sub-rule (3), the following sub-rule shall be inserted, namely :—

"(4) If the trains, which have separate all-inclusive fare structure on point to point basis, are terminated at a non-scheduled stoppage of the train and the passenger is not willing to avail of the alternative arrangement made by railway administration to carry the passenger to his destination station, fare for the untravelled portion of journey shall be refundable. In such cases, fare for the distance travelled will be retained based on the per kilometer fare of ticket and balance amount shall be refund as the fare for untravelled portion of journey shall be refundable. In such cases, fare for the distance travelled will be retained based on the per kilometer fare of ticket and balance amount shall be refunded as the fare for untravelled portion of journey."

(12) in sub rule (2) of rule 15, for the words "particulars of the ticket number", the words "particulars of the ticket, number" shall be substituted.

(13) for rule 17, the following rule shall be substituted, namely :

"17. Lost/misplaced/torn/mutilated tickets.

(1) No refund shall be granted either in respect of a lost or misplaced or torn or mutilated ticket or the excess fare paid as a consequence thereof.

(2) If a reserved ticket is lost or misplaced or torn or mutilated, an authorised person of the railway administration may, at his or her discretion, allow the passenger to travel against the same reserved accommodation by issuing a duplicate paper ticket on collection of an amount equivalent to 25 per cent of the total fare. The particulars of the original journey ticket will be indicated on the duplicate paper ticket :

Provided that in respect of party coach ticket or a special train ticket, the duplicate paper ticket may be issued on collection of journey shall be refundable. In (2) cent of the fare calculated including surcharges and all other

charges.

(3) In case the lost or misplaced ticket is traced later and is presented alongwith the duplicate paper ticket, before the departure of the train, the amount collected against the duplicate paper ticket may be refunded after deducting 5 per cent of the amount indicated in the duplicate paper ticket subject to a minimum of rupees five. In case the journey is also not undertaken the cancellation charges on the original ticket would be determined as provided under the rules."

(14) for the words "case of" occurring in the marginal heading of rule 20, the words "case the" shall be substituted.

(15) for rule 22, the following rule shall be substituted, namely : -

"22. Applications for refund in respect of other circumstances:

For refund in respect of circumstances other than those prescribed in these rules or where refund is not admissible at the station on account of expiry of time limits prescribed under these rules or otherwise, a Ticket Deposit Receipt will be issued to the passenger in lieu of the surrendered ticket, at the station where ticket has been surrendered and the passenger will apply for refund to the Chief Commercial Superintendent (Refunds) of the railway administration from which the ticket was issued enclosing the original Ticket Deposit Receipt."

Published in the Gazette of India, Extraordinary, Part II, Sec. 3 (i), No 301, 16th August 1991.

MINISTRY OF CIVIL SUPPLIES & PUBLIC

G.S.R. 533(E). - (New Delhi, the 14th August, 1991) - In exercise of the powers conferred by sub-section (1) of section 30 of the Consumer Protection Act, 1986 (68 of 1916), the Central Government hereby makes the following rules further to amend the Consumer Protection Rules, 1987, namely: -

1. (1) These rules may be called the Consumer Protection (Amendment) Rules, 1991.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Consumer Protection Rules, 1987 (hereinafter referred to as the said rules), in rule 12, -

(i) in the proviso to sub-rule (2), for the figures "70", the figures "75" shall be substituted;

(ii) for sub rule (6), the following shall be substituted, namely: -

"(6) When the office of the President of the National Commission is vacant or when such President is, by reason of absence or otherwise, unable to perform the duties of his office, the duties of the office shall be performed by such person, who is qualified to be appointed as the President of the National Commission, as the Central Government may appoint for the purpose."

(iii) sub-rules (7), (8) and (9) shall be omitted;

(iv) sub-rule (10) shall be re-numbered as sub-rule (7).

3. In rule 15 of the said rules for sub-rule (9), the following sub-rule shall be substituted, namely: -

"(9) The order of the National Commission shall be communicated to the parties concerned free of cost."

4. In the said rules, after rule 15, the following new rule shall be inserted, namely: -

"15A. Sitting of the National Commission and signing of orders. —(1) Every proceeding of the National Commission shall be conducted by the President and at least two members thereof sitting together;

Provided that where the member or members for any reason are unable to conduct the proceeding till it is completed, the President shall conduct such proceeding *denovo*.

(2) Every order made by the National Commission shall be signed by the President and at least two members who conducted the proceeding and if there is any difference of opinion among themselves, the opinion of majority shall be the order of the National Commission:

Provided that where the proceeding is conducted by the President and three members thereof and they differ on any point or points, they shall state the point or points on which they differ and refer the same to the other member for hearing on such point or points and such point or points shall be decided accordingly to the opinion of the majority of the National Commission."

Published in the Gazette of India, Extraordinary, Part II, Section 3 (i), No. 283, dated 31st July, 1991.

MINISTRY OF LABOUR

G.S.R. 514 (E). —(*New Delhi, the 31st July, 1991*). —In exercise of the powers conferred by section 13 of the Equal Remuneration Act, 1976 (95 of 1976), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement. —(1) These rules may be called the Central Advisory Committee on Equal Remuneration Rules, 1991.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. —(1) In these rules, unless the context otherwise requires, —(a) "Committee" means the Central Advisory Committee constituted by the Central Government under sub section (1) of section 6 of the Equal Remuneration Act, 1976 (25 of 1976);

(b) "Chairman" means the Chairman of the Committee.

3. Composition of the Committee. —The Committee shall consist of not less than ten persons and not more than twenty persons excluding the Chairman, to be nominated by the Central Government, of which one-half shall be women. Nomination shall be made from amongst the representatives of the Central Government, State Government/Union Territory Administrations, Members of Parliament Employees' Organisations and Non-Governmental Organisations engaged in the study and welfare activities of women labour. The composition of the Committee shall not be invalid for the reason that representative belonging to any of the aforesaid categories has not been included in the Committee.

4. Term of office of members of the Committee. —(1) Save as otherwise expressly provided in these rules, the term of office of a non-official member of the Committee shall be two years from the date of his nomination:

Provided that such member shall, notwithstanding the expiry of the said period of two years, continue to hold office until his successor is nominated.

(2) A non-official member of the Committee nominated to fill a casual vacancy shall hold office for the remainder period of the term of office of

the member in whose place he is nominated.

(3) The official members of the Committee shall hold office during the pleasure of the Central Government.

5. **Allowances of a member.**—(1) The travelling allowances of an official member shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.

(2) The non-official members of the Committee shall be paid travelling allowance for attending the meeting of the Committee, at such rates as are admissible to Group 'A' officers of the Central Government and daily allowances shall be calculated at the maximum rate admissible to Group 'A' officers of the Central Government in their respective places.

6. **Cessation of membership.**—If any member of the Committee not being an ex-officio member of the Committee fails to attend three consecutive meetings of the Committee, without obtaining the leave of the Chairman for such absence, he shall cease to be a member of the Committee.

Provided that the Chairman may, if he is satisfied that such member was prevented by sufficient cause from attending three consecutive meetings of the Committee without obtaining such leave, direct that such cessation shall not take place and on such direction being made, such member shall continue to be member of the Committee.

7. **Disqualification for membership.**—(1) A person shall be disqualified for being nominated as, and for being a member of the Committee if he

- (i) is of unsound mind and stands so declared by a competent court; or
- (ii) is an undischarged insolvent; or
- (iii) has been or is convicted of an offence which, in the opinion of the Central Government involves moral turpitude.

(2) If a question arises as to whether a disqualification has been incurred under sub-rule (1), the Central Government shall decide the same.

Published in Gazette of India, (Extra.), Part II, Section 3, (ii) No. 418, dated 26th July, 1991.

MINISTRY OF CIVIL SUPPLIES AND PUBLIC DISTRIBUTION

S.O. 48.—(New Delhi, the 26th July, 1991).—In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Pulses, Edible Oilseeds and Edible Oils (Storage) Control Order, 1977, namely :—

1. (1) This Order may be called the **Pulses, Edible Oilseeds and Edible Oils (Storage Control) Second Amendment Order, 1991.**

(2) It shall come into force on 1st day of August, 1991.

2. In the Pulses, Edible Oilseeds and Edible Oils (Storage Control) Order, 1977, in paragraph 4, in the sub-paragraph (1).

(a) for clause (ii) and entries relating thereto, the following shall be substituted, namely :—

Category of Cities	Stock limits in quintals in case of		Remarks
	Wholesaler	Retailer	
"(ii) Edible Oil- seeds including groundnut in shell	Category A Cities Category B Cities Other Areas	1500 1000 500	100 75 50
			1. All edible oil- seeds taken to- gether. 2. For groundnut kernal or seeds 75% limits speci- fied shall apply."

(b) in the Table below third proviso :—

(i) in column 1 for the entries relating to 'Producer of Edible Oils' the following entries shall be substituted, namely :—

TABLE

Producer	Quantity of unmilled pulses or edible oilseeds or mustard seeds		Quantity of stock of milled pulses or stock of edible oils including refined oil	
(1)	(2)		(3)	
	(a) Producer who is carry- ing on busi- ness on the commence- ment of this order	(b) Producer who has com- menced produ- ction after the commencement of this order	(a) Producer who is carry- ing on business on the commen- ment of this order	(b) Producer who has com- menced produ- ction after the commencement of this order
"Producer of edible oils.	One-eighth of the maximum quantity of of edible oil- seeds used by him in any of the three years ending on the 31st day of Octo- ber, 1989.	For a period of one year from the date of commence- ment of his production one eighth of the quantity of edible oil- seeds that would be re- quired for pro- ducing the quantity equal to his annual installed capa- city. For the	One twenty- fourth of his maximum pro- duction in any of the three years ending on the 31st day of October, 1989.	For a period of one year from the date of com- mencement of his production, one twenty- fourth of a quantity equal to his annual instal- led capacity. For the second and third year of his production 1/24th of the quantity equal to his annual installed capacity and there-

1	2	3
	second and third year of his production 1/8th of the quantity of edible oilseeds that would be required for producing a quantity equal to his annual installed capacity and there- after one-eighth of the maximum quantity of edible oilseeds used by him in any of the three years immediately after the commencement of his production.	after 1/24th of the maximum of his production in any of the three years immediately after the commencement of his production.” ;

(ii) for the “Note” at the end, the following Note shall be substituted, namely :—

“NOTE :— For the purpose of computing the stock limit specified in columns (3) (a) and (3) (b) above, the raw oils (except solvent extracted oils, oils in process or in semi-processed state) and finished product shall be taken into consideration.”

Published in the Gazette of India (Extra.) Part II, Section 3, No. 216 dated 7th June, 1991.

MINISTRY OF HEALTH AND FAMILY WELFARE

G.S.R. 301 (E) :— (*New Delhi, the 7th June, 1991*).— Whereas a draft of certain rules further to amend the Drugs and Cosmetics Rules, 1945, was published, as required by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), with the notification of the Government of India in the Ministry of Health and Family Welfare (Department of Health), No. G.S.R. 765 (E), dated the 7th September, 1990, in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i), dated the 7th September, 1990 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of a period of sixty days from the date on which the copies of the Official Gazette, in which the said notification was published, were made available to the public ;

And whereas the copies of the said Gazette were made available to the

public on 8th October, 1990.

And whereas the objections and suggestions received from the public on the said draft rules have been considered by the Central Government.

Now, therefore, in exercise of the powers conferred by sections 12 and 33 of the said Act, the Central Government, after consultation with the Drugs Technical Advisory Board, hereby makes the following rules further to amend the Drugs and Cosmetics Rules, 1945, namely : -

1. (1) These rules may be called the **Drugs and Cosmetics (Fifth Amendment) Rules, 1991.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Drugs and Cosmetics Rules, 1945, in the proviso to sub-rule (1) of rule 69-A, for the words "the fee payable for renewal of such licence shall be rupees one hundred", the words "the fee payable for renewal of such licence shall be rupees two hundred" shall be substituted.

Published in the Gazette of India, (Extra.) Part II, Section 3(i), No. 265, dated 25th July, 1991.

MINISTRY OF HEALTH AND FAMILY WELFARE

G.S.R. 495(E).— (*New Delhi, the 25th July, 1991*). Whereas a draft of certain rules further to amend the Drugs and Cosmetics Rules, 1945, was published as required by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), with the notification of the Government of India, Ministry of Health and Family Welfare (Department of Health), No. G.S.R. 13(E), dated the 7th January, 1991 in the Gazette of India Extraordinary, Part II, Section 3, Sub-section (i), dated the 7th January, 1981 inviting objections and suggestions from all persons, likely to be affected thereby before the expiry of a period of sixty days from the date on which the copies of the Gazette were made available to the public.

And whereas the copies of the Gazette were made available to the public on the 28th January, 1991.

And whereas no objections have been received from the public on the said draft rules.

Where the Central Government is of the opinion that circumstances have arisen which render it necessary to make rules without consulting the Drugs Technical Advisory Board and whereas, the Central Government proposes to consult the Drugs Technical Advisory Board within six months from the date of commencement of these rules.

Now, therefore, in exercise of the powers conferred by sections 12 and 33 of the said Act, the Central Government, hereby makes the following rules further to amend the Drugs and Cosmetics Rules, 1945, namely : -

1. (1) These rules may be called the **Drugs and Cosmetics (Sixth Amendment) Rules, 1991.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Drugs and Cosmetics Rules, 1945

(1) after the heading 'Schedule R' (see Rule 125), the following sub-heading shall be inserted, namely : -

"Condoms"

(2) An Annexure III, after paragraph 11 relating to "Elongation at

break", the following paragraph shall be added, namely :

"12. Standards for Copper T (200 B) —IS 12418 (Part 4—1987—UDO No. 615.477.87.

Copper T (200 B) shall conform to the Indian Standards laid down from time to time by the Bureau of Indian Standards".

Published in the Gazette of India, Extraordinary, Part II, Section 3(i), No. 300, dated 14th August, 1991.

MINISTRY OF HEALTH AND FAMILY WELFARE

G.S.R. 532 (E).—(*New Delhi, the 14th August, 1991*).—Whereas a draft of certain rules further to amend the Drugs and Cosmetics Rules, 1945, was published as required by section 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), with the notification of the Government of India, in the Ministry of Health and Family Welfare (Department of Health) No. G.S.R. 23 (E), dated the 15th January, 1991 in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), dated the 15th January, 1991 inviting the objections and suggestions from all persons likely to be affected thereby before the expiry of period of sixty days from the date on which the copies of the Gazette were made available to the public ;

And whereas the copies of the Gazette were made available to the public on the 4th February, 1991.

And whereas the objections and suggestions received from the public on the said draft rules have been considered by the Central Government ;

Now, therefore, in exercise of the powers conferred by sections 11 and 33 of the said Act, the Central Government, after consultation with the Drugs Technical Advisory Board, hereby makes the following rules further to amend the Drugs and Cosmetics Rules, 1945, namely :—

1. (1) These rules may be called the Drugs and Cosmetics (Eighth Amendment) Rules 1991.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Drugs and Cosmetics Rules, 1945,—

(i) in rule 49A, for the proviso, the following proviso shall be substituted, namely,—

"Provided that the requirements as to the academic qualification shall not apply to those inspectors and the Government Analysts who were holding those positions on the 12th day of April, 1989.

(ii) in rule 50A, for the proviso, the following proviso shall be substituted, namely :—

"Provided that the requirements as to the academic qualification shall not apply to those Inspectors and the Government Analysts who were holding those positions on the 12th day of April, 1989.

Published in the Gazette of India, Extraordinary, Part II, Section 3 (ii), No. 405, dated 18th July, 1991.

MINISTRY OF COMMERCE

S.O. 464 (E).—(*New Delhi, the 18th July, 1991*).—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order

further to amend the Exports (Control) Order, 1988, namely :—

1. (1) This order may be called the Exports (Control) (Ninth Amendment) Order, 1991.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Exports (Control) Order, 1988, a Schedule I, in Part 'B', in List 1, for serial number 18 and the entry relating thereto, the following shall be substituted, namely :—

"18. Non-ferrous metals and alloys unwrought, excluding unwrought aluminium and unwrought aluminium alloys, not shown elsewhere in this Schedule".

Published in the Gazette of India, Extraordinary, Part II, Section 3 (ii), No. 467, dated 24th July, 1991.

MINISTRY OF COMMERCE

S.O. 466 (E).— (*New Delhi, the 24th July, 1991*).—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1988, namely :—

1. (1) This Order may be called the Exports (Control) (Tenth Amendment) Order, 1991.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Exports (Control) Order, 1988.

(a) in Schedule I, in Part B, in list 3, serial number 49 and the entries relating thereto shall be omitted.

(b) in Schedule III, O.G.L. No. 3, serial number 49 and the entries relating thereto shall be omitted.

Published in the Gazette of India, Extraordinary, Part II, Section (ii), No. 440, dated 13th August, 1991.

MINISTRY OF COMMERCE

S.O. 513 (E).— (*New Delhi, the 13th August, 1991*).—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1988, namely :—

1. (1) This order may be called the Exports (Control) (Twelfth Amendment) Order, 1991.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Exports (Control) Order, 1988, in Schedule I, in Part "B", in List 1, against S. No. 13, for item (i) and the entry relating thereto, the following shall be substituted, namely :—

"(i) Calcined Magnesite with silica content of 7.5 per cent and above".

Published in the Gazette of India, Extraordinary, Part II, Section (ii), No. 448, dated 14th August, 1991.

MINISTRY OF COMMERCE

S.O. 521 (E).— (*New Delhi, the 14th August, 1991*).—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947

(18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1988, namely :—

1. (1) This Order may be called the Exports (Control) (Thirteenth) Amendment Order, 1991.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Exports (Control) Order, 1988,—

(1) In Schedule I, in Part 'B',—

(a) In List 4,

(i) serial number 1, 2 of item (ii) of serial number 2, 3, 4, 5, 6, 8, 9, item (v) of serial number 10, 11, 16, 17 and 18 and the entries relating thereto shall be omitted ;

(ii) in serial number 10 for item (iv), the following shall be substituted, namely :

“(iv) Iron Ore except of Goa Origin when exported to China or Europe in addition to Japan, South Korea and Taiwan, and Iron Ore of Redi Origin to all Markets” ;

(iii) in serial number 10, for item (viii), the following shall be substituted, namely :

“(viii) All Grades of Bauxite, except Calcined Bauxite and Low Grade Bauxite with Alumina content Al_2O_3 less than 54% of West Coast origin.” ;

(b) in List 3,

(i) after serial number 57 and the entries relating thereto, the following shall be inserted, namely :

“58. Khandasari Molasses

59. Molasses

60. Sugar.

61. Iron Ore of Redi Origin to all Markets” ;

(ii) for item (i) of serial number 23, the following shall be substituted, namely :—

“(i) Iron Ore of Goa Origin when exported to China or Europe in addition to Japan, South Korea and Taiwan.”

2. In Schedule III,

(a) in OGL No. 3, after serial number 57, and the entries relating thereto, the following shall be inserted, namely :—

1.	2.	3.	4.
“58. Khandasari Molasses	B. 58	Subject to provisions of Molasses Control Order.	
59. Molasses	B. 59	Subject to provisions of Molasses Control Order.	
60. Sugar	B. 56	Subject to provisions of Sugar Export Development Act.	
61. Iron Ore of Redi Origin to all Markets	B. 61	The exports shall be allowed against registration of Contracts with Goa Mineral Ores Exporters Association.” ;	

(b) in O.G.L. No. 3, in serial number 23, for item (i) and the entry relating thereto, under column 2, the following shall be substituted, namely :—

“(i) Iron Ore of Goa Origin when exported to China or Europe in addition to Japan, South Korea and Taiwan.”

(c) in O.G.L. No. 4, in serial number 10, for item (iv) and the entry relating thereto, under column 2, the following shall be substituted, namely :—

“(iv) Iron Ore, except of Iron Ore of Goa Origin when exported to China or Europe in addition to Japan, South Korea and Taiwan and Iron Ore of Redi Origin to all markets.”;

(d) in O.G.L. No. 4 in serial number 10, for item (viii) and the entry relating thereto, the following shall be substituted, namely :—

“(viii) All Grades of Bauxite except Calcined Bauxite and Low Grade Bauxite with Alumina Content Al_2O_3 less than 54% of West Coast Origin.”

Published in the Gazette of India, Extraordinary, Part II, Section 3 (ii), No. 464, dated 22nd August, 1991.

MINISTRY OF COMMERCE

S.O. 543(E).—(*New Delhi, the 22nd August, 1991*).—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1988, namely :—

1. (1) This Order may be called the Exports (Control) (fifteenth Amendment) Order, 1991.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Exports (Control) Order, 1988, in Schedule-3, in O.G.L. No. 3, against serial number 29, —

(a) in item (i), in column (4), for the existing proviso to condition number (i), the following proviso shall be substituted, namely :—

“Provided that the export price is not less than U.S. \$ 750 per M.T. f.o.b.”;

(b) in item (ii) and (iii), in column (4) at the end for the words, letters and figures “Minimum Export Price of Rs. 35 per kg. f.o.b.”, the words, letters and figures “Minimum Export Price of U.S. \$ 1950 per M.T. f.o.b.” shall be substituted.

Published in the Gazette of India, Extraordinary, Part II, Section 3(i), No. 342, dated 21st September, 1991.

RESERVE BANK OF INDIA

G.S.R. 597 (E).—(*New Delhi, the 21st September, 1991*).—In exercise of the powers conferred by clause (a) of sub-section (1) of section 5 of the Remittances of Foreign Exchange Bonds (Immunities and Exemptions) Act, 1991 (41 of 1991) the Reserve Bank of India hereby specifies the following scheme namely :—

1. Short title and commencement.—(1) This scheme may be called the India Development Bonds Scheme, 1991.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. Definitions.—In this Scheme, unless the context otherwise requires,—

(a) "Act" means the Remittances of Foreign Exchange and Investment in Foreign Exchange Bonds (Immunities and Exemptions) Act, 1991 (41 of 1991);

(b) "Foreign Exchange Bonds, means India Development Bonds, (hereinafter referred to as FEBs) in the nature of promissory notes, denominated in US Dollars issued by the State Bank of India in accordance with this Scheme;

(c) "State Bank of India" means the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955);

(d) all other words and expressions used in this scheme but not defined, and defined in the Act and the Foreign Exchange Regulation Act, 1973 (43 of 1973), shall have the meanings respectively assigned to them in those Acts.

3. **Face Value of FEBs.**— The FEBs shall be issued in denomination value of US Dollars 500, US Dollars 1000, US Dollars 5000, US Dollars 10,000 and US Dollars 50,000

4. **Period of maturity.**— The period of maturity of FEBs shall be five years from the date of allotment.

5. **Persons who are eligible to apply FEBs.**— (1) Non-Resident Indians hereinafter referred to as NRIs), Overseas Corporate Bodies (hereinafter referred to as OCBs) and banks acting in fiduciary capacity on behalf of NRIs and OCBs may apply for the FEBs.

(2) Applications may also be made in the name of a minor, who is an NRI, through his guardian.

(3) Banks acting in fiduciary capacity on behalf of NRIs or OCBs or both may not disclose the names and addresses of NRIs or OCBs on whose behalf investment is being made, but, at no stage during the currency of FEBs, the banks shall hold these FEBs on behalf of any person other than NRIs or OCBs. Provided that the banks may be allowed to hold the FEBs on behalf of NRIs or OCBs other than those NRIs or OCBs on whose behalf investments in FEBs were made in the first instance.

6. **Joint Holdings.**— (1) The FEBs may be held in joint names of not more than two NRIs in the form of "Former or Survivor".

(2) The FEBs may also be held in the form of "Former or Survivor" by an NRI jointly with any person of Indian nationality, whether resident in India or not, and in such a case, the NRI shall be the first holder of the FEBs.

(3) The principal amount of the FEBs and the interest earned thereon shall be payable only to the first holder of the FEBs.

7. **Addition of Joint Holder.**— Subject to the provision of clause (1) of Paragraph 6, the holder of FEBs may be allowed to add as joint holder any other person who may be either an NRI or a resident in India, with instructions for payment to "Former or Survivor".

8. **Rate of Interest and Interest Option.**— (1) The rate of interest payable in respect of FEBs shall be the rate of interest which is 0.5% above the rate applicable to 3 years Foreign Currency Non-Resident Accounts in US Dollar deposits in India, prevailing as on the opening date of the issue of FEBs.

(2) The interest shall be payable on cumulative or non-cumulative basis, at the option of the applicant to be given at the time of application:

Provided that the option once exercised shall not be changed except on grounds of serious illness, financial distress or such similar situation, as the State Bank of India may decide in each case.

(3) Interest on application money at the rate applicable for FEBs, shall in each case, irrespective of interest option, be paid in US Dollars (based on one year of 365 days) from the date of receipt of the application, complete in all respects, at the designated branches of the collecting banks, to the date immediately preceding the date of allotment :

Provided that in computing the interest, under this paragraph, the period of ten days from the date of receipt of the application, complete in all respects, shall be excluded.

9. Periodicity of payment of interest.—(1) Interest on FEBs payable on cumulative basis shall be compounded half-yearly and paid along with the principal amount on maturity.

(2) Interest on FEBs payable on non-cumulative basis shall be paid half-yearly, first payment being made on the expiry of 6 months from the date of allotment.

(3) If the holder of the FEBs becomes a resident in India before maturity of the FEBs, or if the holder of the FEBs is a resident in India, the interest shall be paid in non-repatriable Indian Rupees at the State Bank of India Telegraphic Transfer buying rate (hereinafter referred to as SBI TT buying rate) for US Dollars prevailing on the date immediately preceding 15 days from the date on which the interest becomes due for payment and if the preceding 15th day is a Sunday or holidays, the next working day's SBI TT buying rate shall be taken into account.

10. Redemption of FEBs on maturity.—(1) The principal amount of the FEBs and the interest accrued thereon and unpaid shall be paid in US Dollars on the expiry of five years from the date of allotment if the holder of the FEBs is an NRI or OCB or a Bank acting in a fiduciary capacity on behalf of NRIs or OCBs.

(2) Where the holder of the FEBs becomes a resident in India or where the holder of the FEBs is a resident in India before maturity of the FEBs or where the FEBs are gifted to a person resident in India, the principal amount of the FEBs and the interest accrued thereon and unpaid shall be paid in non-repatriable Indian Rupees, at the SBI TT buying rate for US Dollars prevailing on the date of maturity of the FEBs.

(3) The FEBs shall be presented duly discharged with instructions regarding disposal of the proceeds to the Issuing Office, the State Bank of India, NRI Branch, P.O. Box 9551, 1st floor, Tulsi Chambers, 122, Nariman Point, Bombay-400 021.

(4) Where the FEBs are presented for encashment after the date of maturity, no interest shall accrue thereon after the date of maturity, and in case of resident holder of the FEBs, the conversion rate, that is, the SBI TT buying rate for US Dollars, prevalent on the date of maturity shall apply.

11. Premature Encashment.—(1) Premature encashment of the FEBs may be permitted only in non-repatriable Indian Rupees. Conversion in case of premature encashment of FEBs shall be at the SBI TT buying rate for US Dollars prevailing on the date of such encashment. The interest payable in

case of premature encashment shall be calculated at the following rates :

TABLE

Encashed after	Rate of interest applicable
(i) 1 year from the date of allotment	7.5%
(ii) 2 years from the date of allotment	8.0%
(iii) 3 years from the date of allotment	8.5%
(iv) 4 years from the date of allotment	9.0%

Note.—The above rates are on the basis of an assumed rate of interest of 9.5% per annum. In case of any change in the said assumed rate of interest, the above rates shall be proportionately changed.

(2) Where interest is payable on FEBs on non-cumulative basis, necessary adjustment shall be made on account of the interest already paid.

(3) No interest shall be payable if the FEBs are presented for encashment before the expiry of one year from the date of allotment.

12. Transferability.—(1) FEBs are transferable by endorsement and delivery. FEBs are freely transferable among NRIs, OCBs and banks acting in a fiduciary capacity on behalf of NRIs or OCBs or both.

(2) FEBs are also transferable from NRIs or OCBs or banks acting in fiduciary capacity on behalf of NRIs or OCBs or both to persons resident in India or charitable trusts in India through gift or sale against non-repatriable Indian Rupees.

(3) FEBs are also transferable among persons resident in India.

(4) The transfer shall be registered with the Issuing Office or its Transfer Agent on payment of a service fee.

(5) Where interest on FEB is payable on non-cumulative basis, transfer shall not be permitted during the 15 days immediately preceding the date on which interest becomes due for payment.

13. Immunity and Exemption.—NRIs or OCBs, or the Bank acting in fiduciary capacity on behalf of NRIs or OCBs or both or any persons resident in India to whom a gift of FEBs has been made by such NRIs or OCBs or bank acting in fiduciary capacity on behalf of NRIs or OCBs or both shall be provided immunities and exemptions, as provided in sections 6 and 7 of the Act.

14. Treatment of FEBs after return of holders to India or if the FEBs are gifted to a person resident in India or charitable trust in India,

Where a holder of FEBs becomes resident of India or gifts FEBs to a person resident in India or charitable trust in India, FEBs shall continue to be denominated in US Dollars till maturity, irrespective of the residential status of that holder :

Provided that once the holder of the FEBs becomes a resident of India or the FEBs are gifted or transferred to a person resident in India or a charitable trusts in India, the interest and maturity proceeds of the FEBs shall be payable in non-repatriable Indian Rupees as provided in paragraphs 9 and 10.

15. Loans and Advances.—Holders of the FEBs, or as the case may be first holder in case of joint holdings, may get loans in non repatriable Indian Rupees from Banks in India in accordance with the guidelines issued by the

officer or other employee thereof or the President or a member of the Broadcasting Council or a member of a Regional Council or a Recruitment Board for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or regulations made thereunder.

29. **Authentication of orders and other instruments of Corporation.**— All orders and decisions of the Corporation shall be authenticated by the signature of the Chairman or any other Member authorised by the Corporation in this behalf and all other instruments executed by the Corporation shall be authenticated by the signature of the Executive Member or by any officer of the Corporation authorised by him in his behalf.

30. **Delegation of powers.**— The Corporation may, by general or special order, delegate to the Chairman or any other Member or to any officer of the Corporation, subject to such conditions and limitations, if any, as may be specified therein, such of its powers and duties under this Act as it may deem fit.

31. **Annual report.**—(1) The Corporation shall prepare once in every calendar year, in such form and within such time as may be prescribed, an annual report giving a full account of its activities (including the recommendations and suggestions made by the Broadcasting Council and the action taken thereon) during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

(2) The Broadcasting Council shall prepare once in every calendar year, in such form and within such time as may be prescribed, an annual report giving a full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

32. **Power to make rules.**—(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the salaries and allowances and conditions of service in respect of leave, pension (if any), provident fund and other matters in relation to the Whole-time Members under sub-section (7) of section 6 ;

(b) the allowances payable to the Chairman and Part-time Members under sub-section (8) of section 6 ;

(c) the control, restrictions and conditions subject to which the Corporation may appoint officers and other employees under sub-section (1) of section 9 ;

(d) the manner in which and the conditions and restrictions subject to which a Recruitment Board may be established under sub-section (1) of section 10 ;

(e) the qualifications and other conditions of service of the members of a Recruitment Board and their period of office under sub-section (2) of section

10 ;

(f) the terms and conditions in accordance with which the deputation may be regulated under sub-section (2) of section 11 ;

(g) the salary and allowances and conditions of service in respect of leave, pension (if any), provident fund and other matters in relation to the President of the Broadcasting Council under sub-section (5) of section 14 ;

(h) the allowances payable to other members of the Broadcasting Council and the members of the Regional Council, under sub-section (6) of section 14 ;

(i) the manner in which the Corporation may invest its moneys under section 19 ;

(j) the form and the manner in which the annual statement of accounts shall be prepared under sub-section (1) of section 21 ;

(k) the form in which, and the time within which, the Corporation and the Broadcasting Council shall prepare their annual report under section 31 ;

(l) any other matter which is required to be, or may be, prescribed.

33. Power to make regulations.—(1) The Corporation may, by notification, make regulations not inconsistent with this Act and the rules made thereunder for enabling it to perform its functions under this Act.

(2) Without prejudice to the generality of the foregoing power such regulations may provide for all or any of the following matters, namely :—

(a) the manner in which and the purposes for which the Corporation may associate with itself any person under sub section (7) of section 3 ;

(b) the times and places at which meetings of the Board shall be held and, the procedure to be followed thereat, and the quorum necessary for the transaction of the business at a meeting of the Board under sub-section (1) of section 8 ;

(c) the methods of recruitment and conditions of service of officers and other employees of the Corporation under sub-section (2) of section 9 ;

(d) the remuneration and other conditions of service, including pension, leave and provident fund in relation to an officer or other employees of the Corporation under sub-section (4) of section 11 ;

(e) the authority competent to make certain appointments referred to in clause (a) of section (6) of section 11 ;

(f) the services which may be provided by the Corporation under clause (f) of sub section (3) of section 12 ;

(g) the determination and levy of fees and other service charges in respect of advertisements and other programmes under sub-section (7) of section 12 ;

(h) the manner in which and the period within which complaints may be made under sub section (2) of section 15 ;

(i) any other matter in respect of which provision is, in the opinion

of the Corporation, necessary for the performance of its functions under this Act :

Provided that the regulations under clause (c) or clause (d) shall be made only with the prior approval of the Central Government.

34. Rules and regulations to be laid before Parliament.—Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

35. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as it may be necessary, for the removal of the difficulty :

Provided that no such order shall be made after the expiry of a period of three years from the appointed day.

END

1. Short title.—This Act may be called the Jammu and Kashmir Appropriation (Vote on Account) Act, 1991.

(Text of the Act omitted)

THE JAMMU AND KASHMIR APPROPRIATION (NO. 2) ACT, 1991

The following Act of Parliament received the assent of the President on the 14th March, 1991, and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 27, dated March 14, 1991.

INDIAN PARLIAMENT ACT NO. 24 OF 1991

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Jammu and Kashmir for the services of the financial year 1990-91.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Jammu and Kashmir Appropriation (No. 2) Act, 1991.

(Text of the Act omitted)

THE TAMIL NADU APPROPRIATION (VOTE ON ACCOUNT) ACT, 1991

The following Act of Parliament received the assent of the President on the 14th March, 1991, and was published in the Gazette of India Extraordinary, Part II, Section 1, No. 29, dated March 14, 1991.

INDIAN PARLIAMENT ACT NO. 25 OF 1991

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Tamil Nadu for the services of a part of the financial year 1991-92.

Be it enacted by Parliament in the Forty second Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Tamil Nadu Appropriation (Vote on Account) Act, 1991.

(Text of the Act omitted)

THE TAMIL NADU APPROPRIATION ACT, 1991

The following Act of Parliament received the assent of the President on the March 14, 1991, and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 29, dated March 14, 1991.

INDIAN PARLIAMENT ACT NO. 26 OF 1991

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Tamil Nadu for the services of the financial year 1990-91.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Tamil Nadu Appropriation Act, 1991.

(Text of the Act omitted)

THE PONDICHERRY APPROPRIATION (VOTE ON ACCOUNT) ACT, 1991

The following Act of Parliament received the assent of the President on the March 14, 1991, and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 30, dated March 14, 1991.

INDIAN PARLIAMENT ACT NO. 27 OF 1991

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the Union Territory of Pondicherry for the services of a part of the financial year 1991-92.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :—

1. Short title. — This Act may be called the Pondicherry Appropriation (Vote on Account) Act, 1991.

(Text of the Act omitted)

THE PONDICHERRY APPROPRIATION ACT, 1991

The following Act of Parliament received the assent of the President on the March 14, 1991 and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 31, dated March 14, 1991.

INDIAN PARLIAMENT ACT NO. 28 OF 1991

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the Union Territory of Pondicherry for the services of the financial year 1990-91.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :

1. Short title. This Act may be called the Pondicherry Appropriation Act, 1991.

(Text of the Act omitted)

THE APPROPRIATION (VOTE ON ACCOUNT) NO. 2 ACT, 1991

The following Act of Parliament received the assent of the President on the 31st July, 1991, and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 42, dated July 31, 1991.

INDIAN PARLIAMENT ACT NO. 30 OF 1991

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1991-92.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :—

1. Short title. — This Act may be called the Appropriation (Vote on Account) No. 2 Act, 1991.

(Text of the Act omitted).

THE DELHI MUNICIPAL LAWS (AMENDMENT) ACT, 1991

The following Act of Parliament received the assent of the President on the 14th August 1991, and was published in the Gazette of India, Extraordinary Part II, Section 1, No. 45, dated August 16, 1991.

INDIAN PARLIAMENT ACT NO. 32 OF 1991

An Act further to amend the Delhi Municipal Corporation Act, 1957 and

the Punjab Municipal Act, 1911, as in force in New Delhi.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. Short title and commencement. — (1) This Act may be called the **Delhi Municipal Laws (Amendment) Act, 1991**.

(2) It shall be deemed to have come into force on the 30th day of March, 1991.

CHAPTER II

Amendment to the Delhi Municipal Corporation Act, 1957

2. Amendment of Act 66 of 1957. — In section 126 of the Delhi Municipal Corporation Act, 1957, in sub-section (3), for the portion beginning with the words, figures and letters “commencing on the 1st day of April, 1988” and ending with the words, figures and letters “before the 1st day of April 1991”, the following shall be substituted namely : —

“commencing on the 1st day of April, 1988, the 1st day of April, 1989 and the 1st day of April, 1990 under sub-section (1) the Commissioner shall give to any person affected by the amendment notice of not less than one month at any time before the 1st day of April 1992”.

CHAPTER III

Amendment to the Punjab Municipal Act, 1911, as in force in New Delhi

3. Amendment of Punjab Act III of 1911. — In section 67A of the Punjab Municipal Act, 1911, as in force in New Delhi —

(a) in sub-section (1) for the portion beginning with the words figures and letters “commencing on the 1st day of April, 1988” and ending with the words, figures and letters “before the 1st day of April 1991”, the following shall be substituted, namely :—

“commencing on the 1st day of April, 1988, the 1st day of April 1989, the 1st day of April, 1990 and the 1st day of April, 1991 for increasing or reducing, for sufficient reasons, the amount of annual value of any property and of the assessment thereupon, after giving notice, at any time before the 1st day of April 1992”;

(b) in sub-section (2) in clause (b) for the words, figures and letters “the 1st day of April, 1989 and the 1st day of April, 1990” and the words, figures and letters “the 1st day of April, 1989, the 1st day of April, 1990 and the 1st day of April, 1991” shall be substituted.

CHAPTER IV

Miscellaneous

4. Repeal and savings. — (1) The Delhi Municipal Laws (Amendment) Ordinance, 1991 (Ord. 1 of 1991) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Delhi Municipal Corporation Act, 1957 (66 of 1957) and the Punjab Municipal Act, 1911 (Punjab Act III of 1911), as in force in New Delhi, as amended by the said Ordinance, shall be deemed to have been done or taken under the Delhi Municipal Corporation Act, 1957 or, as the case may be, under the Punjab Municipal Act, 1911 as amended by this Act.

The following Act of Parliament received the assent of the President on the 16th August, 1991, and was published in the Gazette of India, Extraordinary Part II, Section 1, No. 47, dated 16th August, 1991.

INDIAN PARLIAMENT ACT NO. 35 OF 1991

An Act further to amend the Terrorist and Disruptive Activities (Prevention) Act, 1987.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Terrorist and Disruptive Activities (Prevention) Amendment Act, 1991.

(2) It shall be deemed to have come into force on the 2nd day of May, 1991.

2. **Amendment of section 1 of Act 28 of 1987.**—In the Terrorist and Disruptive Activities (Prevention) Act, 1987 (hereinafter referred to as the principal Act) in section 1, in sub-section (4), for the words “four years”, the words “six years” shall be substituted.

3. **Repeal and savings.** (1) The Terrorist and Disruptive Activities (Prevention) Amendment Ordinance, 1991 (Ord. 5 of 1991) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

THE CONSTITUTION (SCHEDULED TRIBES) ORDER (AMENDMENT) ACT, 1991

The following Act of Parliament received the assent of the President on the 20th August, 1991, and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 49, dated August 20, 1991.

INDIAN PARLIAMENT ACT NO. 36 OF 1991

An Act to provide for the inclusion of certain tribes in the list of Scheduled Tribes specified in relation to the State of Jammu and Kashmir.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 1991.

(2) The provisions of clause (b) of section 2 and section 3 shall come into force at once, and the remaining provisions of this Act shall be deemed to have come into force on the 19th day of April, 1991.

2. **Amendment of the Constitution (Jammu and Kashmir) Scheduled Tribes Order, 1989.** In the Schedule to the Constitution (Jammu & Kashmir) Scheduled Tribes Order, 1989 (hereinafter referred to as the Jammu and Kashmir Order),

(a) after item 8, the following items shall be added, namely :—

“9. Gujjar

10. Bakarwal” :

(b) after item 10 as so added, the following items shall be added, namely :—

“11. Gaddi

12. Sippi”;

3. **Repeal and saving in relation to amendment to Constitution Order**

22. The Constitution (Scheduled Tribes) Orders (Amendment) Ordinance, 1991 (Ord. 3 of 1991), in so far as it relates to the amendment to the Constitution (Scheduled Tribes) Order, 1950, except as respects things done or omitted to be done before the commencement of the provisions of this section, is hereby repealed.

4. Repeal and saving in relation to amendment to Constitution Order, 142. (1) The Constitution (Scheduled Tribes) Orders (Amendment) Ordinance, 1991 (Ord. 3 of 1991), in so far as it relates to the amendment to the Jammu and Kashmir Order, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Jammu and Kashmir Order, as amended by the said Ordinance, shall be deemed to have been done or taken under the Jammu and Kashmir Order, as amended by this Act.

THE CANCELLATION OF GENERAL ELECTIONS IN PUNJAB ACT, 1991

The following Act of Parliament received the assent of the President on the 17th September, 1991, and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 52, dated September 17, 1991.

INDIAN PARLIAMENT ACT NO. 38 OF 1991

An Act to cancel certain notifications calling for general elections in relation to the State of Punjab.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :

1. Short title. This Act may be called the Cancellation of General Elections in Punjab Act, 1991.

2. Cancellation of certain notifications in relation to Punjab. —The notification No. S. O. 268 (E), dated the 19th April, 1991 issued by the President under sub-section (2) of section 14 of the Representation of the People Act, 1951 (43 of 1951) in so far as it relates to the State of Punjab and the notification No. Elec-91-R : 4100, dated the 19th April, 1991 issued by the Governor of the State of Punjab under sub-section (2) of section 15 of the Act shall, on the commencement of this Act, stand cancelled and upon such cancellation—

(a) every deposit made under section 34 of the said Act in relation to general elections called by the said notifications shall be returned to the person making it or his legal representative ; and

(b) all the proceedings with reference to the said elections shall be commenced anew in all respects as if for new elections under the said Act.

THE REMITTANCES OF FOREIGN EXCHANGE AND INVESTMENT IN FOREIGN EXCHANGE BONDS (IMMUNITIES AND EXEMPTIONS) ACT, 1991

The following Act of Parliament received the assent of the President on the 18th September, 1991, and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 53, dated September 18, 1991.

INDIAN PARLIAMENT ACT NO. 41 OF 1991

An Act to provide for certain immunities to persons receiving remittances

in foreign exchange and to persons owning the Foreign Exchange Bonds and for certain exemptions from direct taxes in relation to such remittances and bonds and for matters connected therewith or incidental thereto.

Whereas the position relating to balance of payments has become difficult and it is necessary to attract large inflow of foreign exchange ;

And whereas with a view to attracting such inflow of foreign exchange, it is expedient to provide for certain immunities and exemptions to render it possible for certain persons to receive the said remittances in foreign exchange and to own the said Bonds ;

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. Short title and extent. (1) This Act may be called the Remittances of Foreign Exchange and Investment in Foreign Exchange Bonds (Immunities and Exemptions) Act, 1991.

(2) It extends to the whole of India.

CHAPTER II

Remittances of Foreign Exchange

2. Definitions.— In this Chapter, unless the context otherwise requires,—

(a) “recipient” means a person as defined in clause (31) of section 2 of the Income-tax Act, 1961 (43 of 1961), who receives any remittance under this Chapter ;

(b) “remittance” means remittance made in foreign exchange by any person resident outside India to a person resident in India on or after the date of commencement of this Act but before the specified date, in the form of drafts, traveller’s cheques, cheques drawn on banks situated outside India, telegraphic transfers, mail transfers, money orders or by way of transfer from Non-resident (External) Account, Foreign Currency Non-resident Account or Foreign Currency Non-resident Special Deposit Account maintained in India under the rules made under the Foreign Exchange Regulation Act, 1973 (46 of 1973).

Explanation.— For the purposes of this clause, “specified date” means the 1st day of December, 1991 or such other later date as the Central Government may, by notification in the Official Gazette, specify in this behalf ;

(c) all other words and expressions used in this Chapter but not defined and defined in the Foreign Exchange Regulation Act, 1973 (46 of 1973), shall have the meanings respectively assigned to them in that Act.

3. Immunities.— (1) Notwithstanding anything contained in any other law for the time being in force,—

(a) no recipient, who claims immunity under this Chapter in accordance with such scheme as the Reserve Bank of India may by notification in the Official Gazette, Specify for the purposes of receiving remittances under this Chapter, shall be required to disclose, for any purpose whatsoever, the nature and source of the remittance made to him ;

(b) no inquiry or investigation shall be commenced against the recipient under any such law on the ground that he has received such remittance ;

(c) the fact that the recipient has received a remittance shall not be taken into account and shall be inadmissible as evidence in any proceedings relating to any offence or the imposition of any penalty under any such law.

(2) Nothing in sub-section (1) shall apply—

(a) to any foreign exchange which is required to be brought into India under any of the provisions of

(i) the Foreign Exchange Regulation Act, 1973 (46 of 1973); or

(ii) the Income-tax Act, 1961 (43 of 1961) read with the Foreign Exchange Regulation Act, 1973 (46 of 1973).

if the period within which such foreign exchange is to be brought into India has not expired or where such period has been extended, in any manner, by the Central Government or the Reserve Bank of India or any other authority, such extended period has not expired on the date of commencement of this Act;

(b) in relation to prosecution for and offence punishable under Chapter IX or Chapter XVII of the Indian Penal Code (45 of 1860), the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987), the Prevention of Corruption Act, 1988 (49 of 1988), or for the purpose of enforcement of any civil liability.

(3) The Central Government shall cause the scheme notified under clause

(a) of sub-section (1) to be laid, as soon as may be after it is notified, before each House of Parliament.

4 Remittance not to be taken into account in certain cases.—Without prejudice to the generality of the provisions of section 3,

(a) any remittance received under this Chapter shall not be taken into account for the purpose of any proceeding under the Income-tax Act, 1961 (43 of 1961) and, in particular, the recipient shall not be entitled to claim any set-off or relief in any assessment, re-assessment, appeal, reference or other proceeding under that Act, or to re-open any assessment or re-assessment made under that Act on the ground that he has received such remittance.

Explanation. For the avoidance of doubt, it is hereby declared that the provisions of the Income-tax Act, 1961 (43 of 1961), will apply to any income which accrues or arises or is deemed to accrue or arise to the recipient from the amount of the remittance:

(b) any remittance received under this Chapter shall not form part of the assets of any assessee for the purposes of computing his net wealth under the Wealth-tax Act, 1957 (27 of 1957), in relation to any assessment year commencing before the 1st day of April, 1992.

CHAPTER III

Investment in Foreign Exchange Bonds

5. Definitions.—(1) In this Chapter, unless the context otherwise requires,

(a) “Foreign Exchange Bonds” means the Bonds issued by the State Bank of India constituted under the State Bank of India Act, 1955 (28 of 1955), in accordance with such scheme as the Reserve Bank of India may, by notification in the Official Gazette, specify in this behalf, the investment wherein is made on or after the date of commencement of this Act but before the specified

date.

Explanation.— For the purpose of this clause, “specified date” means the 1st day of December, 1991 or such other later date as the Central Government may, by notification in the Official Gazette, specify in this behalf ;

(b) “non-resident Indian” means an individual, being a citizen of India or a person of Indian origin who is resident outside India.

Explanation 1.— A person shall be deemed to be of Indian origin if —

(i) he, or either of his parents or any of his grand-parents, was a citizen of India by virtue of the Constitution or the Citizenship Act, 1955 (57 of 1955) ; or

(ii) he at any time held an Indian passport :

Provided that the nationals of Pakistan or Bangladesh shall not be deemed to be of Indian origin.

Explanation 2.— A spouse (not being a national of Pakistan or Bangladesh) of a person of Indian origin shall also be deemed to be of Indian origin.

(c) “overseas corporate body” means any institution, association or body, whether incorporated or not, established under the laws of a country outside India wherein any non-resident Indian has any interest ;

(d) all other words and expressions used in this Chapter but not defined in the Foreign Exchange Regulation Act, 1973 (46 of 1973), shall have the meanings respectively assigned to them in that Act.

(2) The Central Government shall cause the scheme notified under clause (a) of sub-section (1) to be laid, as soon as may be after it is notified, before each House of Parliament.

6. Immunities.— (1) Notwithstanding anything contained in the Wealth-tax Act, 1957 (27 of 1957), the Gift-tax Act, 1958 (18 of 1958), the Income-tax Act, 1961 (43 of 1961), the Foreign Exchange Regulation Act, 1973 (46 of 1973) and the Foreign Contribution (Regulation) Act, 1976 (49 of 1976),—

(a) no non-resident Indian or overseas corporate body who or which owns the Foreign Exchange Bonds or any person resident in India to whom a gift of such Bonds has been made by such non-resident Indian or overseas corporate body, shall be required to disclose, for any purpose whatsoever, the nature and source of the investment in such Bonds ;

(b) no inquiry or investigation shall be commenced against any of the persons referred to in clause (a) under any of the said Acts on the ground that such person owns such Bonds ;

(c) the fact that any of the persons referred to in clause (a) owns such Bonds shall not be taken into account and shall be inadmissible as evidence in any proceedings relating to any offence or the imposition of any penalty under any of the said Acts.

(2) Nothing in sub-section (1) shall apply to foreign exchange which is required to be brought into India under any of the provisions of—

(i) the foreign Exchange Regulation Act, 1973 (46 of 1973) ; or

(ii) the Income-tax Act, 1961 (43 of 1961), read with Foreign Exchange Regulation Act, 1973 (46 of 1973),

if the period within which such foreign exchange is to be brought into India has not expired or where such period has been extended, in any manner, by the Central Government or the Reserve Bank of India or any other authority, such extended period on the date of commencement of this Act.

7. Foreign Exchange Bonds not to be taken into account in certain

cases.—Without prejudice to the generality of the provisions of section 6.

(a) the provisions of the Income-tax Act, 1961 (43 of 1961) shall not apply to any interest accruing in relation to the Foreign Exchange Bonds ;

(b) the provisions of the Wealth-tax Act, 1957 (27 of 1957) shall not apply in relation to the Foreign Exchange Bonds ;

(c) the provisions of the Gift-tax Act, 1958 (18 of 1958) shall not apply where any non resident Indian becomes a resident in India and makes a gift of the Foreign Exchange Bonds.

THE PLACES OF WORSHIP (SPECIAL PROVISIONS) ACT, 1991

The following Act of Parliament received the assent of the President on the 18th September, 1991 and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 55, dated September 19, 1991.

INDIAN PARLIAMENT ACT NO. 42 OF 1991

An Act to prohibit conversion of any place of worship and to provide for the maintenance of the religious character of any place of worship as it existed on the 15th day of August, 1947, and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :—

1. Short title, extent and commencement. — (1) This Act may be called the Places of Worship (Special Provisions) Act, 1991.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) The provisions of sections 3, 6 and 8 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 11th day of July, 1991.

2. Definitions. In this Act, unless the context otherwise requires, —

(a) “commencement of this Act” means the commencement of this Act on the 11th day of July, 1991 ;

(b) “conversion”, with its grammatical variations, includes alteration or change of whatever nature ;

(c) “place of worship” means a temple, mosque, gurudwara, church, monastery or any other place of public religious worship of any religious denomination or any section thereof, by whatever name called.

3. Bar of conversion of places of worship. — No person shall convert any place of worship of any religious denomination or any section thereof into a place of worship of a different section of the same religious denomination or of a different religious denomination or any section thereof.

4. Declaration as to the religious character of certain places of worship and bar of jurisdiction of courts, etc.—(1) It is hereby declared that the religious character of a place of worship existing on the 15th day of August, 1947 shall continue to be the same as it existed on that day.

(2) If, on the commencement of this Act, any suit, appeal or other proceeding with respect to the conversion of the religious character of any place of worship, existing on the 15th day of August, 1947, is pending before any court, tribunal or other authority, the same shall abate, and no suit, appeal or other proceeding with respect to any such matter shall lie on or after such

commencement in any court, tribunal or other authority :

Provided that if any suit, appeal or other proceeding, instituted or filed on the ground that conversion has taken place in the religious character of any such place after the 15th day of August, 1947, is pending on the commencement of this Act, such suit, appeal or other proceedings shall not so abate and every such suit, appeal or other proceeding shall be disposed of in accordance with the provisions of sub-section (1).

(3) Nothing contained in sub-section (1) and sub-section (2) shall apply to,—

(a) any place of worship referred to in the said sub-sections which is an ancient and historical monument or an archaeological site or remains covered by the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), or any other law for the time being in force ;

(b) any suit, appeal or other proceeding, with respect to any matter referred to in sub-section (2), finally decided, settled or disposed of by a court, tribunal or other authority before the commencement of this Act ;

(c) any dispute with respect to any such matter settled by the parties amongst themselves before such commencement ;

(d) any conversion of any such place effected before such commencement by acquiescence ;

(e) any conversion of any such place effected before such commencement which is not liable to be challenged in any court, tribunal or other authority being barred by limitation under any law for the time being in force.

5. Act not to apply to Ram Janma Bhumi-Babri Masjid. Nothing contained in this Act shall apply to the place or place of worship commonly known as Ram Janma Bhumi-Babri Masjid situated in Ayodhya in the State of Uttar Pradesh, and to any suit, appeal or other proceeding relating to the said place or place of worship.

6. Punishment for contravention of section 3.—(1) Whoever contravenes the provisions of section 3 shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

(2) Whoever attempts to commit any offence punishable under sub-section (1) or to cause such offence to be committed and in such attempt does any act towards the commission of the offence shall be punishable with the punishment provided for the offence.

(3) Whoever abets or is a party to a criminal conspiracy to commit, an offence punishable under sub-section (1) shall, whether such offence be or be not committed in consequence of such abetment or in pursuance of such criminal conspiracy, and notwithstanding anything contained in section 116 of the Indian Penal Code (45 of 1860), be punishable with the punishment provided for the offence.

7. Act to override other enactments. —The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any law other than this Act.

8. Amendment of Act 43 of 1951. In section 8 of the Representation of the People Act, 1951, in sub-section (1). —

(a) in clause (i) the word “or” shall be inserted at the end ;

(b) after clause (i), as so amended, the following clause shall be inserted, namely :—

“(j) section 6 (offence of conversion of a place of worship) of the Place of Worship (Special Provisions) Act, 1991.”

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 1991

The following Act of Parliament received the assent of the President on the 19th September, 1991, and was published in the Gazette of India Extraordinary, Part II, Section 1, No. 56, dated September 19, 1991.

INDIAN PARLIAMENT ACT NO. 43 OF 1991

An Act further to amend the Code of Criminal Procedure, 1973.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1991.

(2) It shall be deemed to have come into force on the 2nd day of May, 1991.

2. Amendment of section 197.—In section 197 of the Code of Criminal Procedure, 1973 (2 of 1974),—

(a) in sub-section (1), to clause (b), the following proviso shall be added, namely :—

‘Provided that where the alleged offence was committed by a person referred to in clause (b) during the period while a Proclamation issued under clause (1) of article 356 of the Constitution was in force in a State, clause (b) will apply as if for the expression “State Government” occurring therein, the expression “Central Government” were substituted’ ;

(b) after sub-section (3), the following sub-section shall be inserted, namely :—

“(3A) Notwithstanding anything contained in sub-section (3), no court shall take cognizance of any offence, alleged to have been committed by any member of the Forces charged with the maintenance of public order in a State while acting or purporting to act in the discharge of his official duty during the period while a Proclamation issued under clause (1) of article 355 of the Constitution was in force therein, except with the previous sanction of the Central Government.

(3B) Notwithstanding anything to the contrary contained in this Code or any other law, it is hereby declared that any sanction accorded by the State Government or any cognizance taken by a court upon such sanction, during the period commencing on the 20th day of August, 1991 and ending with the date immediately preceding the date on which the Code of Criminal Procedure (Amendment) Act, 1991, receives the assent of the President, with respect to an offence alleged to have been committed during the period while a Proclamation issued under clause (1) of article 355 of the Constitution was in force in the State shall be invalid and it shall be competent for the Central Government in such matter to accord sanction and for the court to take cognizance thereon.”

THE VOLUNTARY DEPOSITS (IMMUNITIES AND EXEMPTIONS) ACT, 1991

The following Act of Parliament received the assent of the President on the 20th September, 1991, and was published in the Gazette of India, Extra-

ordinary, Part II, Section 1, No. 57. dated September 20, 1991.

INDIAN PARLIAMENT ACT NO. 47 OF 1991

An Act to provide for certain immunities to persons making voluntary deposits with the National Housing Bank and for certain exemptions from direct taxes in relation to such deposits and for matters connected therewith or incidental thereto.

Whereas for effective economic and social planning it is necessary to canalise for certain social objectives black money which has become a serious threat to the national economy ;

And whereas with a view to such canalisation, the Central Government has decided to allow voluntary deposits being made with the National Housing Bank in accordance with a scheme to be formulated by that Bank whereunder forty per cent of the amount of such deposits will be credited to a special fund to be created for financing slum clearance and low cost housing for the poor and sixty per cent of the amount of such deposits can be utilised by the depositors for purposes specified by them ;

And whereas it is expedient to provide for certain immunities and exemptions to render it possible for persons in possession of black money to make such deposits ;

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :

1. Short title and extent. - (1) This Act may be called the Voluntary Deposits (Immunities and Exemptions) Act, 1991.

(2) It extends to the whole of India.

2. Definitions. - In this Act, unless the context otherwise requires, -

(a) "deposit" means a voluntary deposit made by any person with the National Housing Bank in accordance with the scheme on or after the commencement of this Act but before the specified date.

Explanation. - For the purposes of this clause, "specified date" means the 1st day of December, 1991 or such other later date as the Central Government may, by notification in the Official Gazette, specify in this behalf ;

(b) "National Housing Bank" means the National Housing Bank established under section 3 of the National Housing Bank Act, 1987 (53 of 1987) ;

(c) "net deposit" means sixty per cent of the amount of deposit made by any person with the National Housing Bank in accordance with the scheme ;

(d) "person" includes -

(i) an individual,

(ii) a Hindu undivided family,

(iii) a company,

(iv) a firm,

(v) an association of persons or a body of individuals, whether incorporated or not, and

(vi) every artificial juridical person, not falling within any of the preceding sub-clauses, but does not include a local authority ;

(e) "scheme" means a scheme formulated by the National Housing Bank under the National Housing Bank Act, 1987 (53 of 1987), for the purpose

of enabling—

- (i) any person to make deposit with the Bank ;
- (ii) such Bank to credit forty per cent of the amount of such deposit to a special fund created for financing slum clearance and low cost housing for the poor ; and
- (iii) the depositor to utilise the net deposit for any purpose specified by him ;

(f) all other words and expressions used in this Act but not defined and defined in the Income-tax Act, 1961 (43 of 1961), shall have the meanings respectively assigned to them in that Act.

3. **Immunities.** (1) Notwithstanding anything contained in any other law for the time being in force,—

(a) no person, who has made a deposit with the National Housing Bank in accordance with the scheme, shall be required to disclose, for any purpose whatsoever, the nature and source of the deposit ;

(b) no inquiry or investigation shall be commenced against any person under any such law on the ground that he has made the deposit ;

(c) the fact that a person has made the deposit shall not be taken into account and shall be inadmissible as evidence in any proceedings relating to any offence or the imposition of any penalty under any such law.

(2) Nothing in sub-section (1) shall apply in relation to prosecution for any offence punishable under Chapter IX or Chapter XVII of the Indian Penal Code, (45 of 1860), the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987), the Prevention of Corruption Act, 1988 (49 of 1988), or for the purpose of enforcement of any civil liability.

4. **Deposit not to be taken into account in certain cases.**—Without prejudice to the generality of the provisions of section 3,—

(a) the deposit shall not be taken into account for the purpose of any proceeding under the Income-tax Act, 1961 (43 of 1961) and, in particular, the depositor shall not be entitled to claim any set-off or relief in any assessment, re-assessment, appeal, reference or other proceeding under that Act, or to re-open any assessment or re-assessment made under that Act on the ground that he has made such deposit.

Explanation.— For the avoidance of doubt, it is hereby declared that the provisions of the Income-tax Act, 1961 (43 of 1961), will apply to any income which accrues or arises or is deemed to accrue or arise to the depositor from the amount of the net deposit ;

(b) the deposit shall not form part of the assets of any assessee for the purposes of computing his net wealth under the Wealth-tax Act, 1957 (27 of 1957), in relation to any assessment year commencing before the 1st day of April, 1992.

5. **Amendment of Act 53 of 1987.**— In the National Housing Bank Act, 1987,—

(a) in section 14,—

(i) in clause (b), after the words “scheduled banks”, the words “or to any authority established by or under any Central, State or Provincial Act and engaged in slum clearance” shall be inserted ;

(ii) after clause (h), the following clause shall be inserted, namely :—

“(hh) formulating a scheme for the purpose of accepting deposits referred to in clause (a) of section 2 of the Voluntary Deposits (Immunities and Exemptions) Act, 1991 and crediting forty per cent of the amount of such deposits to a special fund created under section 37;”;

(b) in section 15, in sub-section (1), to clause (c), the following proviso shall be added, namely :—

“Provided that nothing contained in this clause shall apply to deposits accepted under the scheme formulated by the Bank in pursuance of clause (hh) of section 14;”;

(c) in section 55, in sub-section (5), for the word “regulation”, wherever it occurs, the words “regulation or scheme” shall be substituted.

THE CONSUMER PROTECTION (AMENDMENT) ACT, 1991

The following Act of the Parliament, received the assent of the President on August 16, 1991 and was published in the Gazette of India, Extra., Part II, Part II, Section 1, dated 16th August, 1991.

INDIAN PARLIAMENT ACT NO. 34 OF 1991

An Act to amend the Consumer Protection Act, 1986.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Consumer Protection (Amendment) Act, 1991.

(2) It shall be deemed to have come into force on the 15th day of June, 1991.

2. **Amendment of Section 14.**—In Section 14 of the Consumer Protection Act, 1986 (68 of 1986) (hereinafter referred to as the principal Act), for sub-section (2), the following sub-sections shall be substituted namely :—

“Every proceeding referred to in sub-section (1) shall be conducted by the President of the District Forum and at least one member thereof sitting together :

Provided that where the member, for any reason, is unable to conduct the proceeding till it is completed, the President and the other member shall conduct such proceeding de novo.

(2-A) Every order made by the District Forum under sub-section (1) shall be signed by its President and the member or members who conducted the proceeding :

Provided that where the proceeding is conducted by the President and one member and they differ on any point or points, they shall state the point or points on which they differ and refer the same to the other member for hearing on such point or points and the opinion of the majority shall be the order of the District Forum”.

3. **Insertion of new Section 18-A.**—After Section 18 of the principal Act, the following section shall be inserted, namely :

“18-A **Vacancy in the office of the President.**—When the office of the President of the District Forum or of the State Commission, as the case may be, is vacant or when any such President is, by reason of absence or otherwise, unable to perform the duties of his office, the duties of the office shall be performed by such person, who is qualified to be appointed as President of the District Forum or, as the case may be, of the State Commission, as the State

Government may appoint for the purpose”.

4. **Insertion of new Section 29-A.**—After Section 29 of the principal Act, the following section shall be inserted, namely :

“29-A. **Vacancies or defects in appointment not to invalidate orders.**—No act or proceeding of the District Forum, the State Commission or the National Commission shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof”.

5. **Validation of certain orders, etc.**—Notwithstanding anything contained in any law or any judgment, decree or order of any court, tribunal or other authority, any order made by the District Forum or the State Commission under the principal Act, which would have been validly made as if the amendments made to the principal Act by this Act were in force on the date of such order, shall be deemed to have been validly made as is the amendments made to the principal Act by this Act were in force at all material times when such order was made.

6. **Repeal and saving.**—(1) The Consumer Protection (Amendment) Ordinance, 1991 (Ord. 6 of 1991), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 1991

The following Act received the assent of the President on August 14, 1991 and was published in the Gazette of India, Extra., Part II, Section 1, dated 14th August, 1991.

INDIAN PARLIAMENT ACT NO. 31 OF 1991

An Act further to amend the Representation of the People Act, 1951.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Representation of the People (Amendment) Act, 1991.

(2) It shall be deemed to have come into force on the 18th day of April, 1991.

2. **Substitution of new section for Sections 73-A and 73-AA.**—In the Representation of the People Act, 1951 (43 of 1951) (hereinafter referred to as the principal Act), for Sections 73-A and 73-AA, the following section shall be substituted, namely :—

“73-A. **Special provision as to certain elections.**—Notwithstanding anything contained in Section 73 or in any other provision of this Act, with respect to the general election for the purpose of constituting a new House of the People upon dissolution of the Ninth House of the People, —

(a) the notification under Section 73 may be issued without taking into account the Parliamentary constituencies in the State of Jammu and Kashmir ; and

(b) the Election Commission may take the steps in relation to elections from the Parliamentary constituencies in the State of Jammu and Kashmir separately and in such manner and on such date or dates as it may deem appropriate”.

3. **Repeal and saving.** (1) The Representation of the People (Amendment) Ordinance, 1991 (Ord. 2 of 1991), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken

under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

THE CONSTITUTION (SIXTY-EIGHTH AMENDMENT) ACT, 1991

The following Act of the Indian Parliament received the assent of the President on March 12, 1991 and was published in the [Gazette of India, Extra, Part II, Section 1, dated 12th March, 1991.

INDIAN PARLIAMENT ACT NO. 32 OF 1991

An Act further to amend the Constitution of India,

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Constitution (Sixty-eight Amendment) Act, 1991.

Statement of Objects and Reasons.—Under clause (4) of Article 356 of the Constitution, no Proclamation issued under that article and approved by both the Houses of Parliament shall remain in force for more than three years. However, under clause (5) of the said article, a resolution approving the continuance in force of a Proclamation issued under clause (1) of that article beyond a period of one cannot be passed by either House of Parliament unless the two conditions relating to a Proclamation of Emergency being in operation in the whole or any part of the State and the certificate by the Election Commission that the continuation of the Proclamation issued under clause (1) is necessary on account of difficulties in holding general elections to the Legislative Assembly of the State as specified in that clause are met. The three years period in the case of Proclamation issued on 11th May, 1987 with respect to the State of Punjab was extended to three years and six months by the Constitution (Sixty-fourth Amendment) Act, 1990 and clause (5) of Article 356 was also suitably amended by that Act in the expectation that it would be possible to hold elections to the Legislative Assembly of that State. In October, 1990 it was felt that it was not conducive to hold free and fair elections to the Punjab State Legislative Assembly. Therefore, clause (4) of Article 356 was again amended by the Constitution (Sixty-seventh) Amendment Act, 1990 to enable extension of President's Proclamation issued on 11th May, 1987 for a total period of four years.

2. Despite pressure from the security forces, the terrorist violence has been continuing in Punjab. Therefore, the prevailing circumstances still do not hold out prospects for fair, free and peaceful elections to the Legislative Assembly of Punjab. Clause (4) of Article 356 of the Constitution is, therefore, proposed to be amended so as to facilitate the extension of the said Proclamation up to a total period of five years in relation to the State of Punjab.

2. Amendment of Article 356.—In Article 356 of the Constitution, in clause (4), in the third proviso, for the words "four years", the words "five years" shall be substituted.

Published in the Gazette of India, Extraordinary, Part II, Section 1, No. 32, dated March 30, 1991.

**THE DELHI MUNICIPAL LAWS (AMENDMENT) ORDINANCE, 1991
ORDINANCE NO. 1 OF 1991**

Promulgated by the President in the Forty-second Year of the Republic of India.

An Ordinance further to amend the Delhi Municipal Corporation Act, 1957 and the Punjab Municipal Act, 1911, as in force in New Delhi.

Whereas the House of the People has been dissolved and the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

CHAPTER I

Preliminary

1. Short title and commencement.—(1) This Ordinance may be called the Delhi Municipal Laws (Amendment) Ordinance, 1991.

(2) It shall come into force at once.

CHAPTER II

Amendment to the Delhi Municipal Corporation Act, 1957

2. Amendment of Act 66 of 1957.—In section 126 of the Delhi Municipal Corporation Act, 1957, in sub-section (3), for the portion beginning with the words, figures and letters “commencing on the 1st day of April, 1988” and ending with the words, figures and letters “before the 1st day of April, 1991”, the following shall be substituted, namely :—

“commencing on the 1st day of April, 1988, the 1st day of April, 1989 and the 1st day of April, 1990 under sub-section (1), the Commissioner shall give to any person affected by the amendment, notice of not less than one month at any time before the 1st day of April, 1992”.

CHAPTER III

**Amendment to the Punjab Municipal Act, 1911 as in force in
New Delhi**

3. Amendment of Punjab Act, III, of 1911. In section 67A of the Punjab Municipal Act, 1911, as in force in New Delhi, —

(a) in sub-section (1), for the portion beginning with the words, figures and letters “commencing on the 1st day of April, 1988” and ending with the words, figures and letters “before the 1st day of April, 1991”, the following shall be substituted, namely :—

“commencing on the 1st day of April, 1988, the 1st day of April, 1989, the 1st day of April, 1990 and the 1st day of April, 1991 for increasing or reducing, for sufficient reasons, the amount of annual value of any property and of the assessment thereupon, after giving notice, at any time before the 1st day of April, 1992”;

(b) in sub-section (2), in clause (b), for the words, figures and letters “the 1st day of April, 1989 and the 1st day of April, 1990”, the words, figures and letters “the 1st day of April, 1989, the 1st day of April, 1990 and the 1st day of April, 1991” shall be substituted.

R. VENKATARAMAN,
President.

Published in the Gazette of India, Extraordinary, Part II, Section 1, No. 37 dated May 2, 1991.

**THE TERRORIST AND DISRUPTIVE ACTIVITIES
(PREVENTION) AMENDMENT ORDINANCE, 1991
ORDINANCE NO. 5 OF 1991**

Promulgated by the President in the Forty-second Year of the Republic of India.

An Ordinance further to amend the Terrorist and Disruptive Activities (Prevention) Act, 1987.

Whereas the House of the People has been dissolved and the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:

1. **Short title and commencement.**—(1) This Ordinance may be called the Terrorist and Disruptive Activities (Prevention) Amendment Ordinance, 1991.

(2) It shall come into force at once.

2. **Amendment of section 1 of Act 28 of 1987.**—In the Terrorist and Disruptive Activities (Prevention) Act, 1987, in sub-section (4) of section 1, for the words “four years”, the words “six years” shall be substituted.

R. VENKATARAMAN,
President.

Published in the Gazette of India, Extraordinary, Part II, Section 1, No. 40, dated June 15, 1991.

**THE CONSUMER PROTECTION (AMENDMENT) ORDINANCE,
1991.**

ORDINANCE NO. 6 OF 1991

Promulgated by the President in the Forty-second Year of the Republic of India.

An Ordinance to amend the Consumer Protection Act, 1986.

Whereas the House of the People has been dissolved and the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:

1. **Short title and commencement.**—(1) This Ordinance may be called the Consumer Protection (Amendment) Ordinance, 1991.

(2) It shall come into force at once.

2. **Amendment of section 14.**—In section 14 of the Consumer Protection Act, 1986 (68 of 1986), (hereinafter referred to as the principal Act), for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) Every proceeding referred to in sub-section (1) shall be conducted by the President of the District Forum and at least one member thereof sitting together:

Provided that where the member, for any reason, is unable to conduct the

proceeding till it is completed, the President and the other member shall conduct such proceeding *de novo*.

(2A) Every order made by the District Forum under sub-section (1) shall be signed by its President and the member or members who conducted the proceeding :

Provided that where the proceeding is conducted by the President and one member and they differ on any point or points, they shall state the point or points on which they differ and refer the same to the other member for hearing on such point or points and such point or points shall be decided according to the opinion of that other member."

3. Insertion of new section 18-A.—After section 18 of the principal Act, the following section shall be inserted, namely :

"18A Appointment of acting President —When the office of the President of the District Forum or of the State Commission, as the case may be, is vacant or when any such President is, by reason of absence or otherwise, unable to perform the duties of his office, the duties of the office shall be performed by such person, who is qualified to be appointed as President of the District Forum or, as the case may be, of the State Commission as the State Government may appoint for the purpose."

4. Insertion of new section 29A. — After section 29 of the principal Act, the following section shall be inserted, namely :—

"Vacancies or defects in appointment not to invalidate orders. No act or proceeding of the District Forum, State Commission or the National Commission shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof."

5. Validation of certain orders, etc. - Notwithstanding anything contained in any law or any judgment, decree or order of any court or tribunal or other authority, any order made by the District Forum or the State Commission under the principal Act, which would have been validly made if the amendments made to the principal Act by this Ordinance were in force on the date of such order, shall be deemed to have been validly made as if the amendments made to the principal Act by this Ordinance were in force at all material times when such order was made.

R. VENKATARAMAN,
President.

Published in the Gazette of India, Extraordinary, Part II, Section 1, No. 48, dated August 20, 1991.

**THE CONSTITUTION (SCHEDULED TRIBES) ORDER
(SECOND AMENDMENT) ORDINANCE, 1991.
ORDINANCE NO. 7 OF 1991**

Promulgated by the President in the Forty-second Year of the Republic of India.

An Ordinance to provide for the inclusion of certain tribes in the list of Scheduled Tribes specified in relation to the State of Karnataka.

Whereas a Bill to provide for the inclusion of certain tribes in the list of Scheduled Tribes specified in relation to the State of Karnataka has been passed by the House of People :

And whereas the Council of States is not in session and the President is satis-

fied that circumstances exist which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :

1. Short title and commencement. —(1) This Ordinance may be called the Constitution (Scheduled Tribes) Order (Second Amendment) Ordinance, 1991.

(2) It shall come into force at once.

2. Amendment of the Constitution (Scheduled Tribes) Order, 1950.— In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in "Part VI Karnataka", in item 38, the following shall be inserted at the end, namely :

"Naik, Nayak, Beda, Bebar and Valmiki".

R. VENKATARAMAN,
President.

Published in the Gazette of India, Extraordinary, Part II, Section 1, dated 27th September, 1991.

**THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES
(AMENDMENT) ORDINANCE, 1991
ORDINANCE NO. 8 OF 1991**

Promulgated by the President in the Forty-second Year of the Republic of India.

An Ordinance further to amend the Monopolies and Restrictive Trade Practices Act, 1960 and the Companies Act, 1956.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. Short title and commencement. (1) This Ordinance may be called the Monopolies and Restrictive Trade Practices (Amendment) Ordinance, 1991.

(2) It shall come into force at once.

PART I

**Amendments to the Monopolies and Restrictive Trade
Practices Act, 1969**

2. Amendment of section 2. In section 2 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969) (hereinafter referred to as the principal Act),—

(a) in clause (e), for sub-clause (ii), the following sub-clause shall be substituted, namely :—

"(ii) shares and stocks including issue of shares before allotment ;"

(b) clause (g) shall be omitted ;

(c) in clause (r),—

(i) after the word "insurance", the words "chit fund, real estate," shall be inserted ;

(ii) the following Explanation shall be inserted at the end, namely :—
 “Explanation. For the removal of doubts, it is hereby declared that any dealings in real estate shall be included and shall be deemed always to have been included within the definition of “service” ;” ;

(d) clause (w) shall be omitted.

3. Amendment of section 10.—In section 10 of principal Act, in clause (b), after the words “the Central Government”, the words “or upon an application made to it by the Director General” shall be inserted.

4. Amendment of section 11. In section 11 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely :

“(1) The Commission may, before issuing any process requiring the attendance of the person against whom an inquiry (other than an inquiry upon an application by the Director General) may be made under section 10, by an order, require the Director General to make, or cause to be made, a preliminary investigation in such manner as it may direct and submit a report to the Commission to enable it to satisfy itself as to whether or not the matter requires to be inquired into.” ;

(b) in sub-section (2), the words, brackets, figures and letter “sub-clause (iii) of clause (a) of” shall be omitted.

5. Amendment of section 12.—In section 12 of the principal Act,—

(a) in sub-section (1), after clause (e), the following clause shall be inserted, namely :—

“(f) the appearance of parties and consequence of non-appearance.” ;

(b) in sub-section (2), for words and figures “and Chapter XXXV of the Code of Criminal Procedure, 1898 (5 of 1898); the words and figures “and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974)” shall be substituted.

6. Amendment of Chapter III.—In Chapter III of the principal Act,—

(a) Part A shall be omitted ;

(b) the word and letter “Part B” occurring before section 27 shall be omitted.

7. Amendment of section 27.—In section 27 of the principal Act, in sub-section (1), for the portion beginning with the words “Notwithstanding anything” and ending with the words “for an inquiry”, the following shall be substituted, namely :

“Notwithstanding anything contained in this Act or in any other law for the time being in force, the Commission may,—

(i) upon receiving a complaint of facts from any trade association or from any consumer or a registered consumers’ association, whether such consumer is a member of that consumers’ association or not, or

(ii) upon a reference made to it by the Central Government or a State Government, or

(iii) upon its own knowledge or information,
 if it is of opinion that the working of an undertaking is prejudicial to the public interest, or has led, or is leading or is likely to lead, to the adoption of any monopolistic or restrictive trade practices, inquire into”.

8. Amendment of section 27A.—In section 27A of the principal Act, in

sub-section (1), for the portion beginning with the words "Notwithstanding anything" and ending with the words "for an inquiry", the following shall be substituted, namely :—

"Notwithstanding anything contained in this Act or in any other law for the time being in force, the Commission may,—

(i) upon receiving a complaint of facts from any trade association or from any consumer or a registered consumers' association, whether such consumer is a member of that consumer's association or not, or

(ii) upon a reference made to it by the Central Government or a State Government, or

(iii) upon its own knowledge or information, if it is of opinion that the continuance of inter-connection of an undertaking (hereinafter in this section referred to as the principal undertaking) with any other undertaking is detrimental to—

(a) the interests of the principal undertaking ; or

(b) the future development of the principal undertaking ; or

(c) the steady growth of the industry to which the principal undertaking pertains ; or

(d) the public interest, inquire into".

9. **Amendment of Chapter III.**—Part C of Chapter III of the principal Act shall be omitted.

10. **Omission of Chapter III-A.**—Chapter III-A of the principal Act shall be omitted.

11. **Amendment of section 31.**—In section 31 of the principal Act, in sub-section (1) in the proviso, after the words "Commission receives", the words "any application from the Director General or" and after the words "it may", the words "on such application or" shall be inserted.

12. **Amendment of section 36A.**—In section 36A of the principal Act,—

(a) for the portion beginning with the words "adopts one or more" and ending with the words "or otherwise" the following shall be substituted, namely :—

"adopts any unfair method or unfair or deceptive practice including any of the following practices" ;

(b) in clause (1), in sub clause (i), after the word "quality," the word "quantity," shall be inserted.

13. **Substitution of new section for section 36C.**—For section 36C of the principal Act, the following section shall be substituted, namely ;

"36C. **Investigation by Director General before an issue of process in certain cases.**—The Commission may, before issuing any process requiring the attendance of the person against whom an inquiry (other than an inquiry upon an application by the Director General) may be made under section 36B, by an order, require the Director General to make, or cause to be made, a preliminary investigation in such manner as it may direct and submit a report to the Commission, for the purpose of satisfying itself that the matter requires to be inquired into."

14. **Amendment of section 36D.**—In section 36D of the principal Act, in sub-section (1),—

(a) in clause (a), the word "and" occurring at the end shall be omitted ;

(b) after clause (b), the following clause shall be inserted, namely :—

"(c) any information, statement or advertisement relating to such unfair trade practice shall be disclosed, issued or published, as the case may be, in such manner as may be specified in the order."

15. **Omission of section 45.**—Section 45 of the principal Act shall be omitted.

16. **Amendment of section 46.** In section 46 of the principal Act, the words and figures "section 22 or section 23 or section 24 or" shall be omitted.

17. **Omission of section 47.**—Section 47 of the principal Act shall be omitted.

18. **Amendment of section 48.**—In section 48 of the principal Act, sub-section (2) shall be omitted.

19. **Substitution of new section for section 48B.**—For section 48B of the Principal Act, the following section shall be substituted, namely :—

"48B. **Penalty for contravention of section 27B.**—(1) Every person who exercises any voting right in respect of any share in contravention of any order of the Central Government referred to in sub-section (1) of section 27B shall be punishable with imprisonment for a term which may extend to five years, and shall also be liable to fine.

(2) If any company gives effect to any voting or other right exercised in relation to any share held in contravention of an order of the Central Government referred to in sub-section (1) of section 27B, the company shall be punishable with fine which may extend to five thousand rupees and every officer of the company who is in default shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both."

20. **Amendment of section 48C.**—In section 48C of the principal Act, for the words 'which may extend to three years, or with fine which may extend to ten thousand rupees, or with both', the following shall be substituted namely :—

"which shall not be less than six months but which may extend to three years and with fine which may extend to ten lakh rupees :

Provided that the court may, for reasons to be recorded in writing, impose a sentence of imprisonment for a term lesser than the minimum term specified in this section."

20. **Amendment of section 50.**—In section 50 of the principal Act, for sub-sections (1) and (2) the following sub-sections shall be substituted namely :

"(1) A person who is deemed under section 13 to be guilty of an offence under this Act, shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to fifty thousand rupees, or with both and where the offence is a continuing one, with a further fine which may extend to five thousand rupees for every day after the first during which such contravention continues.

(2) If any person contravenes without any reasonable excuse any order made by the Central Government under section 31 or any order made by the Commission under section 37 he shall be punishable with imprisonment for a term which shall not be less than—

(a) in the case of the first offence six months but not more than three years, and

(b) in the case of any second or subsequent offence in relation to the

goods or services in respect of which the first offence was committed, two years but not more than seven years.

and, in either case, where the contravention is a continuing one also with fine which may extend to five thousand rupees for every day after the first during which such contravention continues :

Provided that the court may, for reasons to be recorded in writing, impose a sentence of imprisonment for a term lesser than the minimum term specified in this sub-section."

22. **Insertion of new section 53A.** - After section 53 of the principal Act, the following section shall be inserted, namely :—

"53A. **Power to compound offences.**— The Commission may, for reasons to be recorded in writing, either before or after the institution of proceedings, compound any offence under section 48C or section 50 relating to contravention of any order made by it."

23. **Amendment of section 54.**—In section 54 of the principal Act,

(a) sub-section (2) shall be omitted ;

(b) in sub-section (3), the words, brackets and figure "or any term of a scheme of finance, as modified under sub-section (2)," shall be omitted.

24. **Amendment of section 55.** In section 55 of the principal Act, after the words "the Commission under", the words, figures and letter "section 12A or" shall be inserted.

25. **Amendment of section 67.**—In section 67 of the principal Act, in sub-section (2), clauses (ac), (ba) and (g) shall be omitted.

26. **Omission of the Schedule.** - The Schedule to the principal Act shall be omitted.

PART II

Amendments to the Companies Act, 1956.

27. **Insertion of new sections 108A to 108-I.**—In the Companies Act, 1956 (1 of 1956), (hereinafter referred to as the Companies Act), after section 108, the following sections shall be inserted, namely :—

"108A. **Restriction on acquisition of certain shares.** (1) Except with the previous approval of the Central Government, no individual, firm, group, constituent of a group, body corporate or bodies corporate under the same management, shall jointly or severally acquire or agree to acquire, whether in his or its own name or in the name of any other person, any equity shares in a public company, or a private company which is a subsidiary of a public company, if the total nominal value of the equity shares intended to be so acquired exceeds, or would, together with the total nominal value of any equity shares already held in the company by such individual, firm, group, constituent of a group, body corporated or bodies corporate under the same management, exceed twenty-five per cent of the paid-up equity share capital of such company.

(2) Where any individual, firm group, constituent of a group, body corporated or bodies corporate under the same management (hereinafter in this Act referred to as the acquirer), is prohibited, by sub-section (1), from acquiring or agreeing to acquire except with the previous approval of the Central Government, any share of a public company or a private company which is a subsidiary of a public company, no

(a) company in which not less than fifty-one per cent of the share capital is held by the Central Government ; or

(b) corporation (not being a company) established by or under any Central Act ; or

(c) financial institution,

shall transfer or agree to transfer any share to such acquirer unless such acquirer has obtained the previous approval of the Central Government for the acquisition, or agreement for the acquisition, of such share.

“108B. **Restriction on transfer of shares.**—(1) Every body corporate, or bodies corporate under the same management, holding whether singly or in the aggregate, ten per cent or more of the nominal value of the subscribed equity share capital of any other company, shall, before transferring one or more of such shares, give to the Central Government an intimation of its or their proposal to transfer such share, and every such intimation shall include a statement as to the particulars of the share proposed to be transferred, the name and address of the person to whom the share is proposed to be transferred, the share holding, if any, of the proposed transferee in the concerned company and such other particulars as may be prescribed.

(2) Where, on receipt of an intimation given under sub-section (1) or otherwise, the Central Government is satisfied that as a result of such transfer, a change in the composition of the Board of directors of the company is likely to take place and that such change would be prejudicial to the interests of the company or to the public interest, it may, by order, direct that—

(a) no such share shall be transferred to the proposed transferee :

Provided that no such order shall preclude the body corporate from intimating, in accordance with the provisions of sub-section (1), to the Central Government its or their proposal to transfer the share to any other person, or

(b) where such share is held in a company engaged in any industry specified in Schedule XV, such share shall be transferred to the Central Government or to such corporation owned or controlled by that Government as may be specified in the direction.

(3) Where a direction is made by the Central Government under clause (b) of sub-section (2), to share referred to in such direction shall stand transferred to the Central Government or to the corporation specified therein, and the Central Government or the specified corporation, as the case may be, shall pay, in cash, to the body corporate or bodies corporate from which such share stands transferred, an amount equal to the market value of such share, within the time specified in sub-section (4).

Explanation.—In this sub-section, ‘market value’ means, in the case of a share which is quoted on any recognised stock exchange, the value quoted at such stock exchange on the date immediately preceding the date on which the direction is made, and, in any other case, such value as may be mutually agreed upon between the holder of the share and the Central Government or the specified corporation, as the case may be, or on the absence of such agreement, as may be determined by the court.

(4) The market value referred to in sub-section (3) shall be given forthwith, where there is no dispute as to such value or where such value has been mutually agreed upon, but where there is a dispute as to the market value, such value as is estimated by the Central Government or the corporation, as the case may be, shall be given forthwith and the balance, if any, shall be given within thirty days from the date when the market value is determined by

the court.

(5) If the Central Government does not make any direction under sub-section (2) within sixty days from the date of receipt by it of the intimation given under sub-section (1), the provisions contained in sub-section (2) with regard to the transfer of such share shall not apply.

108C. Restriction on the transfer of shares of foreign companies.—No body corporate, or bodies corporate under the same management, which holds, or hold in the aggregate, ten per cent, or more of the nominal value of the equity share capital of a foreign company, having an established place of business in India, shall transfer any share in such foreign company to any citizen of India or any body corporate incorporated in India except with the previous approval of the Central Government and such previous approval shall not be refused unless the Central Government is of opinion that such transfer would be prejudicial to the public interest.

108D. Power of Central Government to direct companies not to give effect to the transfer.—(1) Where the Central Government is satisfied that as a result of the transfer of any share or block of shares of a company, a change in the controlling interest of the company is likely to take place and that such change would be prejudicial to the interests of the company or to the public interest, that Government may direct the company not to give effect to the transfer of any such share or block of shares and —

(a) where the transfer of such share or block of shares has already been registered, not to permit the transferee or any nominee or proxy of the transferee, to exercise any voting or other rights attaching to such share or block of shares; and

(b) where the transfer of such share or block of shares has not been registered, not to permit any nominee or proxy of the transferor to exercise any voting or other rights attaching to such share or block of shares.

(2) Where any direction is given by the Central Government under sub-section (1), the share or the block of shares referred to therein shall stand retransferred to the person from whom it was acquired, and thereupon the amount paid by the transferee for the acquisition of such share or block of shares shall be refunded to him by the person to whom such share or block of shares stands or stand retransferred.

(3) If the refund referred to in sub-section (2) is not made within the period of thirty days from the date of the direction referred to in sub-section (1), the Central Government shall, on the application of the person entitled to get the refund, direct, by order, the refund of such amount and such order may be enforced as if it were a decree made by a civil court.

(4) The person to whom any share or block of shares stands or stand retransferred under sub-section (2) shall, on making refund under sub-section (2) or sub-section (3), be eligible to exercise voting or other rights attaching to such share or block of shares.

108E. Time within which refusal to be communicated.—Every request made to the Central Government for according its approval to the proposal for the acquisition of any share referred to in section 108A or the transfer of any share referred to in section 108C shall be presumed to have been granted unless within a period of sixty days from the date of receipt of such request, the Central Government communicates to the person by whom the request was made, that the approval prayed for cannot be granted :

108F. Nothing in sections 108A to 108D to apply to Government companies, etc.—Nothing contained in section 108A [except sub-section (2) thereof] shall apply to the transfer of any share to, and nothing in section 108B or section 108C or section 108D shall apply to the transfer of any share by

(a) any company in which not less than fifty-one per cent of the share capital is held by the Central Government;

(b) any corporation (not being a company) established by or under any Central Act;

(c) any financial institution.

108G. Applicability of the provisions of sections 108A to 108F.—The provisions of sections 108A to 108F (both inclusive) shall apply to the acquisition or transfer of share capital by, or to, an individual, firm, group, constituent of a group, body corporate, or bodies corporate under the same management, who or which—

(a) if the owner in relation to a dominant undertaking, or

(b) would be, as a result of such acquisition or transfer of shares or share capital, the owner of a dominant undertaking.

108H. Construction of certain expressions used in sections 108A to 108G. The expressions, “group”, “same management”, “financial institution”, “dominant undertaking” and “owner” used in sections 108A to 108G (both inclusive), shall have the meanings respectively assigned to them in the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969).

108-I. Penalty for acquisition or transfer of share in contravention of sections 108A to 108D.—(1) Any person who acquires any share in contravention of the provisions of section 108A shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both.

(2) (a) Every body corporate which makes any transfer of shares without giving any intimation as required by section 108B, shall be punishable with fine which may extend to five thousand rupees.

(b) Where any contravention of the provisions of section 108B has been made by a company, every officer of the company who is in default shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both.

(3) (a) Every body corporate which makes any transfer of shares in contravention of the provisions of section 108C, shall be punishable with fine which may extend to five thousand rupees.

(b) Where any contravention of the provisions of section 108C has been made by a company, every officer of the company who is in default shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees or with both.

(4) (a) Every person who transfers any share in contravention of any order made by the Central Government under section 108B, or gives effect to any transfer of shares made in contravention of any direction made by the Central Government under section 108D, or who exercises any voting right in respect of any share in contravention of any direction made by the Central Government under section 108D, shall be punishable with imprisonment for a term which may extend to five years, and shall also be liable to fine.

(b) If any company gives effect to any voting or other right exercised in

relation to any share acquired in contravention of the provisions of section 108B, or which gives effect to any voting right in contravention of any direction made by the Central Government under section 108D, the company shall be punishable with fine which may extend to five thousand rupees, any every officer of the company who is in default shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both".

28. **Insertion of new Schedule.**—After Schedule XIV to the Companies Act, the following Schedule shall be inserted, namely :—

"SCHEDULE XV

[See section 108B (2) (b)]

1. Arms and ammunition and allied items of defence equipment, defence aircrafts and warships.
2. Atomic energy.
3. Coal and lignite.
4. Mineral oils.
5. Mining of iron ore, manganese ore, chrome ore, gypsum, sulphur, gold and diamond.
6. Mining of copper, lead, zinc, tin, molybdenum and wolfram.
7. Minerals specified in the Schedule to the Atomic Energy (Control of Production and Use) Order, 1953
8. Railway transport".

R. VENKATARAMAN,
President,

Published in the Gazette of India, Extraordinary, Part II, Section I, No. 33, dated March 30, 1991.

**THE PONDICHERY NON-AGRICULTURAL KUDIYIRUPPUDARS
(STAY OF EVICTION PROCEEDINGS) AMENDMENT
REGULATION, 1991**

REGULATION NO. 2 OF 1991

Promulgated by the President in the Forty-section Year of the Republic of India.

A Regulation further to amend the Pondicherry Non-agricultural Kudiyrupputars (Stay of Eviction Proceedings) Act, 1980.

In exercise of the powers conferred by the second proviso to clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him :—

1. Short title, This Regulation may be called the Pondicherry Non-agricultural Kudiyrupputars (Stay of Eviction Proceedings) Act, 1991.
2. Amendment of section 1 of Pondicherry Act 2 of 1981.—In the Pondicherry Non-agricultural Kudiyrupputars (Stay of Eviction Proceedings) Act, 1980, in section 1, in sub-section (3), for the figures, and letters and words "31st day of March, 1991", the figures, letters and words "31st day of March, 1992" shall be substituted.

R. VENKATARAMAN,
President.

Published in the Gazette of India, Extraordinary, Part II Section 1, No. 38, dated May 14, 1991.

**THE PUNJAB AGRICULTURAL PRODUCE MARKETS (AMENDMENT)
ACT, 1991**

PRESIDENT'S ACT NO. 2 OF 1991

Enacted by the President in the Forty-second Year of the Republic of India.

An Act further to amend the Punjab Agricultural Produce Markets Act, 1961.

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act 1987, (24 of 1987), the President is pleased to enact as follows :—

1. Short title and commencement.—(1) This Act may be called the Punjab Agricultural Produce Markets (Amendment) Act, 1991.

(2) It shall come into force at once.

2. Amendment of section 3.—In the Punjab Agricultural Produce Markets Act, 1961 (Punjab Act 23 of 1961), (hereinafter referred to as the principal Act), in section 3, in sub-section 8, in the proviso, for the words "four years", the words "four years and six months" shall be substituted.

3. Amendment of section 12-C.—In section 12-C of the principal Act, in the proviso, for the words "three years and six months", the words "four years" shall be substituted.

REASONS FOR THE ENACTMENT

The Punjab State Agricultural Marketing Board constituted under section 3 of the Punjab Agricultural Produce Markets Act, 1961, was suspended by the State Government with effect from the 19th June, 1987 under the powers conferred on it by sub-section (8) of section 3 of the Act and the Financial Commissioner Development and Secretary to Government, Department of Agriculture, Punjab was appointed to exercise the functions of the Board and its Chairman till such time as the new Board is constituted. Originally, the Board had to be constituted within six months from the date of its suspension. However, keeping in view the prevailing circumstances in the State of Punjab and to ensure administrative pattern conducive to the requirements under the said circumstances, it was considered necessary to enhance the period of constitution of the said Board from time to time. This period comes to an end on the 18th June, 1991. The circumstances which led to the passing of President's Act 6 of 1990 remain unchanged. Further, a comprehensive administrative reorganisation of the Board is being undertaken to prevent the recurrence of the circumstances leading to its suspension. It is, therefore, proposed to amend the Punjab Agricultural Produce Markets Act, 1961 to enhance the period of constitution of the said Board by six more months.

2. The Market Committees in the State, nominated in accordance with the provisions of the Punjab Agricultural Produce Markets Act, 1961, were not representative bodies and were not serving the best interests of the State due to party faction and gross mismanagement. By the Punjab Agricultural Produce Markets (Amendment) Act, 1987 (President's Act 3 of 1987), the nominated Market Committees in the State were superseded and the State Government Officers were appointed as Administrators to perform the functions of the Market Committees and their Chairman, etc., for a period of one

year that is to say, up to the 16th November, 1988, and further extended from time to time up to the 16th May, 1991. Under the circumstances prevailing in the State, it is not possible to hold elections to the Market Committees and it is, therefore, proposed to amend the Punjab Agricultural Produce Markets Act, 1961 to enhance the period of reconstitution of the said Committees by six more months.

3. The Government have, therefore, decided to enhance the period of constitution of the Agricultural Marketing Board from four years to four years and six months and the reconstitution of the Market Committees from three years and six months to four years by amending section 3 and section 12-C, respectively of the Punjab Agricultural Produce Markets Act, 1961 suitably for this purpose.

4. Parliament has under article 357(1) (a) of the Constitution conferred on the President the power of the legislature of the State of Punjab to make laws vide the Punjab State Legislature (Delegation of Powers) Act, 1987 (24 of 1987).

5. Under the proviso to sub-section (2) of section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1987, the President shall, before enacting any President's Act, whenever he considers it practicable to do so, consult the Committees constituted for the purpose consisting of the Members of both the Houses of Parliament. In view of the urgency of the matter, it is not practicable to consult the Committee. This Bill is, accordingly, being enacted without reference to the Committee.

R. VENKATARAMAN,
President.

Published in the Gazette of India, Extraordinary, Part II, Section 1, No. 39, dated May 14, 1991.

THE PUNJAB MUNICIPAL (AMENDMENT) ACT, 1991
PRESIDENT'S ACT NO. 3 OF 1991

Enacted by the President in the Forty second Year of the Republic of India.

An Act further to amend the Punjab Municipal Act, 1911.

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1987 (24 of 1987), the President is pleased to enact as follows :

1. Short title. This Act may be called the Punjab Municipal (Amendment) Act, 1991.

2. Amendment of section 13 of Punjab Act 3 of 1911.—In the Punjab Municipal Act, 1911, in the proviso to sub-section (3), for the words "five years and six months", the words "six years" shall be substituted.

REASONS FOR THE ENACTMENT

Due to disturbed conditions in the State of Punjab, the Municipal Committees in the State were superseded with effect from the 16th November, 1985 by the Punjab Municipal (Second Amendment) Act, 1985. The amending Act inserted a new sub-section (3) in section 13 of the Punjab Municipal Act, 1911, wherein it was provided that the Municipal Committees will be superseded for a period not exceeding two years. This period of two years was further extended by one year by the Punjab Municipal (Amendment) Act,

1987 (President's Act 2 of 1987). The period of supersession of the said Municipal Committees was further extended by two more years by the Punjab Municipal (Amendment) Act, 1988 (President's Act 9 of 1988) which was further extended by six months by the Punjab Municipal (Amendment) Act, 1990 (President's Act 7 of 1990). Elections to the three Municipal Corporations have already been held. However, a decision to hold elections to the remaining Municipal Committees would be taken up only in the next phase which may require a minimum period of 45 days. The elections to the Municipal Committees, therefore, cannot be completed before the 15th May, 1991 the date when the present supersession would expire. It is, therefore, proposed to extend the period of supersession of the Municipal Committees by a further period of six months beyond 15th May, 1991.

2. Parliament has, under article 357(1) (a) of the Constitution conferred on the President the power of the Legislature of the State of Punjab to make laws vide the Punjab State Legislature (Delegation of Powers) Act, 1987 (24 of 1987).

Under the proviso to sub section (2) of section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1987, the President shall before enacting any President's Act, consult a committee constituted for the purpose, consisting of the members of both the Houses of the Parliament. Since the Lok Sabha has been dissolved, it is not possible to consult the Consultative Committee, as the matter is urgent the proposed measure is enacted without reference to the Committee.

R. VENKATARAMAN,
President,

Published in the Gazette of India, Extraordinary, Part II, Section 1, No. 41, dated July 11, 1991.

**THE PUNJAB PANCHAYAT SAMITIS AND ZILLA PARISHADS
(TEMPORARY SUPERSESSION) SECOND AMENDMENT
ACT, 1991**

PRESIDENT'S ACT NO. 4 OF 1991

Enacted by the President in the Forty-second Year of the Republic of India.

An Act further to amend the Punjab Panchayat Samitis and Zilla Parishads (Temporary Supersession) Act 1978.

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1987 (24 of 1987), the President is pleased to enact as follows :

1. Short title. This Act may be called the Punjab Panchayat Samitis and Zilla Parishads (Temporary Supersession) Second Amendment Act, 1991.

2. Amendment of section 3 of Punjab Act 29 of 1978. -In the Punjab Panchayat Samitis and Zilla Parishads (Temporary Supersession) Act, 1978, in section 3, in the proviso to sub-section (1), for the words "twelve years and nine months", the words "thirteen years and three months" shall be substituted.

REASONS FOR THE ENACTMENT

The Panchayat Samitis and Zila Parishads in the State of Punjab were superseded by the Punjab Panchayat Samitis and Zila Parishads (Temporary Supersession) Act, 1978 on the 12th October, 1978 for one year. This period had to be extended from time to time for one reason or the other. The present supersession period expires on the 11th July, 1991.

2. Sixteen members of a Panchayat Samiti are taken from the Gram Panchayats falling within the jurisdiction of a Panchayat Samiti. The normal term of the Gram Panchayats had expired in October, 1988. The elections to this tier of the Panchayati Raj Bodies are due. The State Government proposed to hold elections to the Gram Panchayats in January, 1990, but due to law and order problems in the State these elections could not be held. If elections to the Panchayat Samitis and Zila Parishads are held now without holding the elections to the Gram Panchayats, most of the Panches and Sarpanches may lose their basic qualification to remain members of the Panchayat Samitis, if they are not returned on the Gram Panchayats during General Election to the Gram Panchayats, if held later. In such a situation, the Panchayat Samitis and Zila Parishads would become defunct. Thus, it is desirable to hold election to these bodies after the general elections to the Gram Panchayats so that the new Gram Panchayats are represented in the Panchayat Samitis and Zila Parishads and the term of all the three tiers of the Panchayati Raj Institutions may be co-terminus. It generally takes about two months to hold Gram Panchayat elections. Thereafter, a period of more than four and a half months is required to conduct elections to the Panchayat Samitis and Zila Parishads after observing all the legal formalities.

3. It has, therefore, been decided that the period of temporary supersession may be extended for another six months by amending the Punjab Panchayat Samitis and Zila Parishads (Temporary Supersession) Act, 1978 (Punjab Act 29 of 1978) by a Presidential enactment.

4. Parliament had, under article 357 (1)(a) of the Constitution, conferred on the President the power of the Legislature of the State of Punjab to make laws *vide* the Punjab State Legislature (Delegation of Powers) Act, 1978 (24 of 1978).

5. Under the proviso to sub-section (2) of section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1987, the President shall, before enacting any President's Act, consult a Committee constituted for the purpose consisting of members of both the Houses of Parliament. As the permissible period of supersession of the Punjab Panchayat Samitis and Zila Parishads under the Punjab Panchayat Samitis and Zila Parishads (Temporary Supersession) Act, 1978 expires on the 11th July, 1991 and as the amending Act ought to come into force on the 12th July, 1991 it is not practicable to consult the aforesaid Committee prior to the enactment of this Bill. The measure is, accordingly, being enacted without reference to the aforesaid Committee.

R. VENKATARAMAN,
President.

on conviction with imprisonment which may extend to six months or with fine which may extend to ten thousand rupees or with both.

(5) Notwithstanding anything contained in the foregoing provisions, the Board or the officer authorised by it in this behalf shall, in addition to the action taken as provided in this section, also have power to seize or attach any property found on the land or space referred to in this section or, as the case may be, attached to such land or space or permanently fastened to anything attached to such land or space.

(6) Where any property is seized or attached by an officer authorised by the Board, he shall immediately make a report of such seizure or attachment to the Board.

(7) The Board may make such orders as it thinks fit for the proper custody of the property seized or attached, pending the conclusion of confiscation proceedings, and, if the property is a subject to speedy and natural decay, or it is otherwise expedient so to do, the Board may order it to be sold or otherwise disposed of.

(8) Where any property is sold as aforesaid, the sale proceeds thereof after deduction of the expenses of any such sale or other incidental expenses relating thereto, shall—

(a) Where no order of confiscation is ultimately passed by the Board ;

or
(b) Where an order passed in appeal so requires, be paid to the owner thereof or the person from whom it is seized.

(9) Where any property is seized or attached under sub-section (5), the Board may order confiscation of such property.

(10) No order for confiscation of a property shall be made under sub-section (9) unless the owner of such property or the person from whom it is seized or attached is given—

(a) a notice in writing, informing him of the grounds on which it is proposed to confiscate the property ;

(b) an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation ; and

(c) a reasonable opportunity of being heard in the matter.

(11) The order of any confiscation under this section shall not prevent the infliction of any punishment to which the person affected thereby is liable under the Act.

(12) Any person aggrieved by an order made under sub-section (7) or sub-section (9) may, within one month from the date of the communication to him of such order, appeal against it to the District Judge of the District in which such property is seized or attached.

(13) On such appeal the District Judge may, after giving an opportunity to the appellant and the respondent to be heard, direct the order to be stayed pending disposal of the appeal, or may modify, alter or annul the order and make any further orders that may be just.

(14) Whenever any property is seized or attached pending confiscation under this section, the Board or the District Judge shall have, and notwithstanding anything to the contrary contained in any other law for the time being in force, any other court, tribunal or other authority shall not have, jurisdiction

to make orders with regard to the possession, delivery, disposal, release or distribution of such property.

(15) Where any person is prosecuted of an offence under sub-section (1) or sub-section (2), the burden of proving that he has not committed the offence shall be on him.

(16) Nothing contained in this section shall prevent the Board from allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in any streets and spaces for not more than four days and in such manner as not to inconvenience the public or any individual.

(17) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 94 or in any case where permission has been given under sub-section (16) of this section.

(18) Whoever, being an employee of the Board, specifically entrusted with the duty to stop or prevent the enforcement or obstruction punishable under this section, wilfully or knowingly neglects or deliberately omits to stop or prevent such encroachment or obstruction, shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or fine which may extend to one thousand rupees or with both :

Provided that no court shall take cognizance against such employee for the offence punishable under this sub-section except with the previous sanction of the Board."

GOVERNOR OF RAJASTHAN.

THE JAIPUR DEVELOPMENT AUTHORITY (AMENDMENT) ORDINANCE, 1991

Published in the Rajasthan Gazette, Extraordinary, Part IV (Ga), dated August 27, 1991.

RAJASTHAN ORDINANCE NO. 7 OF 1991.

An Ordinance further to amend the Jaipur Development Authority Act, 1982.

Whereas the Rajasthan Legislative Assembly is not in session and the Governor of the State of Rajasthan is satisfied that circumstances exist which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, and in pursuance of instructions from the President, the Governor hereby promulgates in the Forty-second Year of the Republic of India the following Ordinance, namely :—

1. Short title and commencement.—(1) This Ordinance may be called the Jaipur Development Authority (Amendment) Ordinance, 1991.

(2) It shall come into force at once.

2. Amendment of section 31, Rajasthan Act No. 25 of 1982. In section 31 of the Jaipur Development Authority Act, 1982 (Rajasthan Act No. 25 of 1982), hereinafter referred to as the principal Act,—

(a) in sub-section (1), for the expression "shall, on conviction, be punished with fine which may extend to five thousand rupees, and in the case of a continuing offence with a further fine which may extend to one hundred rupees for every day during which the offence continues after conviction for the first commission of the offence", the expression "and every other person including a transporter or contractor or builder who aids or abets any of such actions

in any manner whatsoever shall, on conviction, be punished with simple imprisonment which may extend to three months or with fine which may extend to rupees ten thousand or with both and in the case of a continuing offence with a further fine, which may be extended to rupees two hundred for every day during which such offence continues after conviction for the first commission of the offence.

Explanation.—An offence under this section shall be deemed to continue until the removal of the development or the discontinuance of the use of land made."

shall be substituted; and

(b) in sub-section (2), for the expression "two thousand", the expression "five thousand" and for the expression "one hundred", the expression "two hundred fifty" shall be substituted.

3. Amendment of section 32, Rajasthan Act No. 25 of 1982.—In section 32 of the principal Act,

(a) in sub-section (1), the expression "within three years of such development", as occurring after the expression "subject to the provisions of this section," and before the expression "serve on the owner" shall be deleted; and

(b) for sub-section (7), the following shall be substituted, namely:—

"(7) Any person prosecuted under clause (a) of sub-section (6) shall, on conviction, be punished with the sentence provided in sub-section (1) of section 31."

4. Amendment of section 33, Rajasthan Act No. 25 of 1982.—For sub-section (2) of section 33 of the principal Act the following shall be substituted, namely:

"(2) Any person, who continues to carry out the development of land, whether for himself or on behalf of the owner or any other person, after such notice has been served shall, on conviction, be punished with the sentence provided in sub-section (1) of section 31."

5. Amendment of section 72, Rajasthan Act No. 25 of 1982.—For the existing section 72 of the principal Act, the following shall be substituted, namely:—

"72. Encroachment or obstruction upon public land.—(1) Whoever makes an encroachment in any land or space not being private property, whether such land or space belongs to or vests in the Authority or not, except steps over drain in any public street shall on conviction be punished with simple imprisonment which shall not be less than one month but which may extend to three years and with fine which may extend to twenty thousand rupees:

Provided that the court may for any adequate or special reasons to be mentioned in the judgment impose a sentence of imprisonment for a term of less than one month.

(2) Whoever makes any obstruction in any land or space not being private property, whether such land or space belongs to or vests in the Authority or not, except steps over drain in any public street shall on conviction be punished with simple imprisonment which may extend to one month or with fine which may extend to two thousand rupees or with both.

(3) The Authority or any officer authorised by it in this behalf shall have power to remove any such obstruction or encroachment and the expenses

of such removal shall be paid by the person who had caused the said obstruction or encroachment.

(4) Whoever not being duly authorised, in that behalf removes earth, sand or other material from any land or space as aforesaid, shall be punished on conviction with imprisonment which may extend to six months or with fine which may extend to ten thousand rupees or with both.

(5) Notwithstanding anything contained in the foregoing provisions, the Authority or officer authorised by it in this behalf shall, in addition to the action taken as provided in this section, also have power to seize or attach any property found on the land or space referred to, in this section or, as the case may be, attached to such land or space or permanently fastened to anything attached to such land or space.

(6) Where any property is seized or attached by an officer authorised by the Authority, he shall immediately make a report of such seizure or attachment to the Authority.

(7) The Authority may make such orders as it thinks fit for the proper custody of the property seized or attached, pending the conclusion of confiscation proceedings, and, if the property is subject to speedy and natural decay, or it is otherwise expedient so to do, the Authority may order it to be sold or otherwise disposed of:

(8) Where any property is sold as aforesaid, the sale proceeds thereof after deduction of the expenses of any such sale or other incidental expenses relating thereto, shall

(a) where no order of confiscation is ultimately passed by the Authority ;
or

(b) where an order passed in appeal so requires, be paid to the owner thereof or the person from whom it is seized.

(9) Where any property is seized or attached under sub-section (5), the Authority may order confiscation of such property.

(10) No order for confiscating a property shall be made under sub-section (9) unless the owner of such property or the person from whom it is seized or attached is given

(a) a notice in writing, informing him of the grounds on which it is proposed to confiscate the property ;

(b) an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation ; and

(c) a reasonable opportunity of being heard in the matter.

(11) The order of any confiscation under this section shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act.

(12) Whenever any property is seized or attached pending confiscation under this section, the Authority or the Tribunal constituted under section 83 of the Act shall have, and notwithstanding anything to the contrary contained in any other law for the time being in force, any court, other Tribunal or other authority shall not have, jurisdiction to make orders with regard to the possession, delivery, disposal, release or distribution of such property.

(13) Where any person is prosecuted of an offence under sub-section (1) or sub-section (2), the burden of proving that he has not committed the offence shall be on him.

(14) Whoever, being an employee of the Authority, specifically entrusted with duty to stop or prevent the encroachment or obstruction punishable under this section, wilfully or knowingly neglects or deliberately omits to stop or prevent such encroachment or obstruction, shall on conviction, be punished with simple imprisonment for a term which may extend to one month or fine which may extend to one thousand rupees or with both.

Provided that no court shall take cognizance against such employee for the offence punishable under this sub-section except with the previous sanction of the Authority."

6. Amendment of section 83, Rajasthan Act No. 25 of 1982.—For the existing sub-section (8) of section 83 of the principal Act, the following shall be substituted, namely :—

"(8) Except as otherwise provided,—

(a) any person aggrieved by an order or notice of the Authority may file an appeal in the Tribunal within thirty days of the communication of such order or notice to him; and

(b) any person aggrieved by any threatened act or injury from the Authority affecting his rights may refer the dispute to the Tribunal within thirty days of the communication or knowledge of such threatened act or injury; and the decision of the Tribunal shall be final."

Governor of Rajasthan

THE RAJASTHAN URBAN IMPROVEMENT (AMENDMENT) ORDINANCE, 1991

Published in the Rajasthan Gazette, Extraordinary, Part IV (Gha)
August 27, 1991.

ORDINANCE NO. 8 OF 1991

An Ordinance further to amend the Rajasthan Urban Improvement Act, 1959.

Whereas the Rajasthan Legislative Assembly is not in session and the Governor of the State of Rajasthan is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India and in pursuance of instructions from the President, the Governor hereby promulgates in the Forty second Year of the Republic of India the following Ordinance, namely :—

1. Short title and commencement.—(1) This Ordinance may be called the Rajasthan Urban Improvement (Amendment) Ordinance, 1991.

(2) It shall come into force at once.

2. Amendment of section 89-A, Rajasthan Act No. 35 of 1959.—In section 89-A of the Rajasthan Urban Improvement Act, 1959 (Rajasthan Act No. 35 of 1959), hereinafter referred to as the principal Act, —

(a) in sub-section (1), for the expression "shall be punishable with fine which may extend to five thousand rupees and in the case of a continuing offence with further fine which may extend to one hundred rupees for every

day during which such offence continues after conviction for the first commission of the offence," the expression "and every person including a transporter or contractor who aids or abets the commission of such act of improvement in any manner whatsoever shall, on conviction, be punished with simple imprisonment which may extend to three months or with fine which may extend to rupees ten thousand or with both and in the case of a continuing offence with a further fine, which may extend to rupees two hundred for every day during which such offence continues."

Explanation.— An offence under this section shall be deemed to continue until the removal of the improvement or the discontinuance of the use of land made."

shall be substituted; and

(b) in sub-section (2), for the expression "two thousand rupees", the expression "five thousand rupees" shall be substituted.

3. **Amendment of section 91, Rajasthan Act No. 35 of 1959.**— In section 91 of the principal Act, for the expression "five hundred", the expression "five thousand" shall be substituted.

4. **Amendment of section 91-A, Rajasthan Act No. 35 of 1959.** In section 91-A of the principal Act,—

(a) in sub-section (1), for the expression "within such period not exceeding two months", the expression "within such period not exceeding one month" shall be substituted;

(b) in sub-section (2), for the expression "Collector", wherever occurring, the expression "Divisional Commissioner" shall be substituted; and

(c) in sub-section (3), for the expression "the Collector", the expression "the Divisional Commissioner" shall be substituted and after sub-section (3) as so amended, the following proviso shall be inserted, namely;—

"Provided that where any officer of the Trust threatens to remove or demolish, or otherwise cause any injury to, an erection, the person aggrieved may file an application for the adjudication of the dispute to the Divisional Commissioner within thirty days of the communication or knowledge of such threat. The decision of the Divisional Commissioner shall be final."

5. **Amendment of section 91-C, Rajasthan Act No. 35 of 1959.**— In sub-section (4) of section 91-C of the principal Act, for the expression "two hundred rupee", the expression "five hundred rupee" shall be substituted.

6. **Amendment of section 92, Rajasthan Act No. 35 of 1959.**— In Section 92 of the principal Act, for the expression "two hundred rupees", the expression "five hundred rupees" shall be substituted.

7. **Insertion of new section 92-A, Rajasthan Act No. 35 of 1959.**— After section 92 of the principal Act, the following new section shall be inserted, namely:—

"92-A. **Encroachment or obstruction upon public land.**—(1) Whoever—

(a) makes or continues to make any encroachment in any land or space not being private property, whether such land or space belongs to or vests in the Trust or not, except steps over drain in any public street, or,

(b) having made such encroachment before coming into force of the Rajasthan Urban Improvement (Amendment) Ordinance, 1991 fails to remove

such encroachment within fifteen days from the date of service of a notice in writing calling upon him to do so by the Trust,

shall, on conviction, be punished with simple imprisonment which shall not be less than one month but which may extend to three years and with fine which may extend to twenty thousand rupees :

Provided that the court may for any adequate or special reason to be mentioned in the judgement impose a sentence of imprisonment for a term of less than one month.

(2) Whoever—

(a) makes or continues to make any obstruction in any land or space not being private property, whether such land or space belongs to or vests in the Trust or not, except steps over drain in any public street ; or

(b) having made such obstruction before coming into force of the Rajasthan Urban Improvement (Amendment) Ordinance, 1991 fails to remove such obstruction within fifteen days from the date of service of a notice in writing calling upon him to do so by the Trust,

shall, on conviction, be punished with simple imprisonment which may extend to one month or with fine which may extend to two thousand rupees or with both.

(3) The Trust or any officer authorised by it in this behalf shall have power to remove any such obstruction or encroachment and the expenses of such removal shall be paid by the person who has caused the said obstruction or encroachment.

(4) Whoever not being duly authorised in that behalf remove earth, sand or other material from any land or space as aforesaid, shall be punished on conviction with imprisonment which may extend to six months or with fine which may extend to ten thousand rupees or with both.

(5) Notwithstanding anything contained in the foregoing provisions, the Trust or the officer authorised by it in this behalf shall, in addition to the action taken as provided in this section, also have power to seize or attach any property found on the land or space referred to in this section or, as the case may be, attached to such land or space or permanently fastened to anything attached to such land or space.

(6) Where any property is seized or attached by an officer authorised by the Trust, he shall immediately make a report of such seizure or attachment to the Trust.

(7) The Trust may make such orders as it thinks fit for the proper custody of the property seized or attached, pending the conclusion of confiscation proceedings, and, if the property is subject to speedy and natural decay, or it is otherwise expedient so to do, the Trust may order it to be sold or otherwise disposed of.

(8) Where any property is sold, as aforesaid, the sale proceeds thereof after deduction of the expenses of any such sale or other incidental expenses relating thereof, shall—

(a) Where no order of confiscation is ultimately passed by the Trust ; or

(b) where an order passed in appeal so requires,

be paid to the owner thereof or the person from whom it is seized.

(9) Where any property is seized or attached under sub-section (5), the Trust may order confiscation of such property.

(10) No order for confiscating a property shall be made under sub-section (9), unless the owner of such property or the person from whom it is seized or attached is given—

(a) a notice in writing, informing him of the grounds on which it is proposed to confiscate the property ;

(b) an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation ; and

(c) a reasonable opportunity of being heard in the matter.

(11) The order of any confiscation under this section shall not prevent the infliction of any punishment to which the person affected thereby is liable under the Act.

(12) Any person aggrieved by an order made under sub-section (7) or sub-section (9) may, within one month from the date of the communication to him of such order, appeal against it to the District Judge of the District in which such property is seized or attached.

(13) On such appeal the District Judge may, after giving an opportunity to the appellant and the respondent to be heard, direct the order to be stayed pending disposal of the appeal, or may modify, alter or annul the order and make any further orders that may be just.

(14) Whenever any property is seized or attached pending confiscation under this section, the Trust or the District Judge shall have, and notwithstanding anything to the contrary contained in any other law for the time being in force, any other court, tribunal, or other authority shall not have, jurisdiction to make orders with regard to the possession, disposal, release or distribution of such property.

(15) Where any person is prosecuted of an offence under sub-section (1) or sub-section (2), the burden of proving that he has not committed the offence shall be on him.

(16) Whoever, being an employee of the Trust, specifically entrusted, by an order of the Trust in writing, with the duty to stop or prevent the encroachment or obstruction punishable under this section, wilfully or knowingly neglects or deliberately omits to stop or prevent such encroachment or obstruction, shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or fine which may extend to one thousand rupees or with both.

Provided that no court shall take cognizance against such employee for the offence punishable under this sub-section except with the previous sanction of the Trust.

Governor of Rajasthan

(ii) organising nutrition feeding under the Integrated Child Development Services Scheme, Special Nutrition Programme or any other scheme or programme aimed at nutrition feeding, or

(iii) distribution of gift goods to any persons for amelioration of distress of any kind.

3. **Prohibition of unlawful possession of gift goods.**—No person shall keep in his possession or deal with any gift goods without lawful authority or otherwise than in conformity with the scheme relating to supply, distribution and custody of such goods as may be approved by the State Government or any relief organisation.

4. **Penalty for unlawful possession of gift goods.**—Whoever is found, or is proved to have been, in possession of any gift goods reasonably suspected of having been stolen or unlawfully obtained shall, unless he proves that the gift goods came into his possession lawfully, be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

5. **Offences to be cognizable and non-bailable.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence punishable under section 4 shall be cognizable and non-bailable.

6. **Power to try offences.**—No court inferior to that of a Judicial Magistrate of the first class shall try any offence punishable under section 4.

7. **Power to amend Schedule.**—The State Government may by notification add to, or omit from, the Schedule any relief organisation, and thereupon the Schedule shall be deemed to be amended accordingly.

8. **Notification under section 7 to be laid before State Legislature.**—Every notification under section 7 shall, as soon as may be after it is published, be laid before the State Legislature, while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature agrees in making any modification in the notification or the State Legislature agrees that the notification should not be issued, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

9. **Power to make rules.** The State Government may by notification make rules for carrying out the purposes of this Act.

THE SCHEDULE

[See Sections 2(c) and 7.]

List of Relief Organisations

1. United Nations International Children's Emergency Fund.
2. Co-operative for American Relief Everywhere.
3. World Food Programme.

THE BENGAL MUNICIPAL (AMENDMENT) ACT, 1990.

The following Act of the West Bengal Legislature having been assented to by the Governor, was published in the Calcutta Gazette, Extraordinary, Part III, dated 16th October, 1990.

WEST BENGAL ACT XXII OF 1990.

An Act to amend the Bengal Municipal Act, 1932.

Whereas it is expedient to amend the Bengal Municipal Act, 1932 (Ben. Act XV of 1932), for the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Forty-first Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. Short title and commencement. — (1) This Act may be called the Bengal Municipal (Amendment) Act, 1990.

(2) It shall be deemed to have come into force on the 1st day of April, 1989.

2. Insertion of new section 133B in Ben. Act XV of 1932. — In the Bengal Municipal Act, 1932, after section 133A, the following section shall be inserted :—

“133B. Special provision for notified area. — (1) Notwithstanding anything contained in this Act, if in any area including any Government Township as defined in clause (c) of section 2 of the West Bengal Government Townships (Extension of Civic Amenities) Act, 1975 (West Ben. Act XLII of 1975), prior to its being constituted as a notified area under section 93A, —

(i) any tax, fee or charge was imposed in respect of any land or building, or

(ii) any assessment was made in respect of any land or building but no tax, fee or charge could be imposed in respect of such land or building on the basis of such assessment, or

(iii) no assessment could be made in respect of any land or building, under any provisions of any Act, other than this Act, as extended to such area, the State Government may, upon the constitution of such area as a notified area under section 93A, by order allow the notified area Authority for such notified area—

(a) to continue to impose such tax, fee or charge in respect of such land or building, or

(b) to impose tax, fee or charge on the basis of such assessment in respect of such land or building, or

(c) to make assessment, and to impose tax, fee or charge on the basis of such assessment in respect of such land or building, in accordance with the provisions of that Act and at the rates as were in force in such area immediately before the constitution of such area as a notified area, for such period and subject to such conditions, if any, as may be specified in the order.

(2) The provisions of this section shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.”.

THE CODE OF CRIMINAL PROCEDURE (WEST BENGAL AMENDMENT) ACT, 1990.

The following Act of the West Bengal Legislature, having been assented to by the President of India, was published in the Calcutta Gazette, Extraordinary, Part III, dated March 4, 1991.

WEST BENGAL ACT NO. XXVI OF 1990

An Act to amend the Code of Criminal Procedure, 1973, in its application to West Bengal.

Whereas it is expedient to amend the Code of Criminal Procedure, 1973

(2 of 1974), in its application to West Bengal, for the purposes and in the manner hereinafter appearing ;

It is hereby enacted in the Forty-first Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Code of Criminal Procedure (West Bengal Amendment) Act, 1990.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint,

2. **Application of the Act.**—The Code of Criminal Procedure, 1973 (hereinafter referred to as the principal Act) shall, in its application to West Bengal be amended for the purposes and in the manner hereinafter provided.

3. **Amendment of section 24 of Act 2 of 1974.**—In sub-section (6) of section 24 of the principal Act, for the words “shall appoint a Public Prosecutor or an Additional Public Prosecutor only”, the words “may also appoint a Public Prosecutor or an Additional Public Prosecutor” shall be substituted.

4. **Amendment of section 301.**—For sub-section (1) of section 301 of the principal Act, the following sub-sections shall be substituted ;

“(1) (a) The Public Prosecutor in charge of a case may appear and plead without any written authority before any Court in which that case is under inquiry, trial or appeal.

(b) The Assistant Public Prosecutor in charge of a case may appear and plead without any written authority before any Court in which that case is under inquiry or trial”.

THE WEST BENGAL FINANCE ACT, 1991

The following Act of the West Bengal Legislature was published in the Calcutta Gazette, Extraordinary, Part III, dated 14th August, 1991.

WEST BENGAL ACT VI OF 1991

An Act to amend the Bengal Amusements Tax Act, 1922 (Ben. Act V of 1922), the Bengal Finance (Sales Tax) Act, 1941 (Ben. Act VI of 1941), the Bengal Agricultural Income-tax Act, 1944 (Ben. Act IV of 1944), the West Bengal Sales Tax Act, 1954 (West Ben. Act IV of 1954), the West Bengal Motor Spirit Sales Tax Act, 1974 (West Ben. Act XI of 1974), the West Bengal State Tax on Professions, Trades, Callings and Employments Act, 1979 (West Ben. Act VI of 1979) and the West Bengal Entertainment-cum-Amusement Tax Act, 1982 (West Ben. Act VI of 1982).

Whereas it is expedient to amend the Bengal Amusements Tax Act, 1922, the Bengal Finance (Sales Tax) Act, 1941, the Bengal Agricultural Income-tax Act, 1944, the West Bengal Sales Tax Act, 1954, the West Bengal Motor Spirit Sales Tax Act, 1974, the West Bengal State Tax on Professions, Trades, Callings and Employments Act, 1974, and the West Bengal Entertainment-cum-Amusement Tax Act, 1982, for the purposes and in the manner hereinafter appearing ;

It is hereby enacted in the Forty-second Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. **Short title and commencement.** (1) This Act may be called the West Bengal Finance Act, 1991.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

2. Amendment of Ben. Act V of 1922. — In the Bengal Amusements Tax Act, 1922, in section 3, in sub-section (3), after the proviso, the following proviso shall be added :—

“Provided further that no entertainments tax under this section shall be charged, levied and paid for admission to any football match.”

4. Amendment of Ben. Act VI of 1941. — In the Bengal Finance (Sales Tax) Act, 1941. —

(1) in section 2.

(a) in clause (g), —

(i) in sub-clause (ii), for the words “consideration, or”; the word “consideration,” shall be substituted ;

(ii) In sub-clause (iii), after the word “consideration,” the word “or” shall be added ;

(iii) after sub-clause (iii), the following sub-clause shall be inserted :—

“(iv) any supply of goods by any unincorporated association or body of persons to members thereof for cash, deferred payment or other valuable consideration,” ;

(b) after clause (ha), the following clause shall be inserted :—

“(haa) “Special Commissioner” mean the Special Commissioner of Commercial Taxes appointed under sub section (1) of section 3C,” ;

(c) in clause (hb), after the words, figure and letter “or section 6D”, the words, figure and letters “and includes the additional sales tax payable under section 6AA” shall be added ;

(d) in clause (i), for the words “, if any, refunded by the dealer, in respect of any goods returned by the purchaser within such period.”; the words, figures, letters and brackets—

“, if any, —

(i) refunded by the dealer in respect of any goods returned by the purchaser within such period, or

(ii) separately charged as additional sales tax payable under section 6AA during such period ;” shall be substituted ;

(2) after section 3B, the following section shall be inserted :—

“3C. Special Commissioner. (1) The State Government may appoint a person to be Special Commissioner of Commercial Taxes.

(2) The Special Commissioner shall have such powers, and shall be entitled to exercise such duties, of the Commissioner as the State Government may, by notification in the Official Gazette, direct.

(3) Reference to the Commissioner in this Act with respect to the powers and duties specified in the notification under sub-section (2) shall be deemed to include reference to the Special Commissioner.

(4) The Commissioner may, notwithstanding anything contained in sub-section (2), withdraw to himself from the Special Commissioner any case or matter which the Special Commissioner is competent to deal with in exercise or performance of the powers or duties referred to in sub-section (2).

(5) The Special Commissioner shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.” ;

(3) in section 5, —

(a) in clause (aa), the words “and lottery tickets” shall be omitted ;

(b) in clause (cc), after the words and figures "Road Transport Corporation Act, 1950", the words and figures "or the Darjeeling Gorkha Hill Council constituted under the Darjeeling Gorkha Hill Council Act, 1988" (West Ben. Act XIII of 1988) shall be added ;

(c) in clause (dd), the words "unless of lottery tickets and" shall be omitted ;

(ii) in sub-section (2), in clause (a), in sub-clause (vb), the words "lottery tickets", shall be omitted ;

(4) After Section 6A, the following section shall be inserted :—

"6AA. **Liability to pay additional sales tax.**—Every dealer liable to pay tax under Section 4 or sub-section (3) of Section 8 shall, in addition to the tax payable by him under sub-section (1) or sub-section (6) of Section 5 or Section 6B or Section 6D, pay an additional sales tax at the rate of fifteen per centum of the total amount of the tax payable by him for any period under sub-section (1) of Section 5 :

Provided that no additional sales tax shall be payable under this section by any dealer on that part of the total amount of tax levied under sub-section (1) of Section 5 which is payable by him on such taxable turnover as represents

(a) sales of goods specified in Section 14 of the Central Sales Tax Act, 1956 ; (74 of 1956).

(b) sales of edible oils ;

(c) sales of tea ;

(d) such other sales as may be prescribed";

(5) in Section 6B, in sub-section (1),

(a) in clause (a), for the word and figure "Section 5", the words, figures and letters "Section 5; Section 6AA" shall be substituted ;

(b) in clause (b), for the word and figure "Section 5", the words, figures and letters "Section 5; Section 6AA" shall be substituted ;

(6) in section 7, in sub-section (1),—

(a) for the word, figure and letter "section 6C", the words, figures and letters "section 6AA, section 6C" shall be substituted ;

(b) in the proviso, for the word, figure and letter "section 6C" the words, figures and letters "section 6AA or section 6C" shall be substituted ;

(7) in Section 19, —

(a) after the words "the Commissioner" the words, figure and letter "or the Special Commissioner or an Additional Commissioner appointed under Section 3A" shall be inserted, and

(b) for the words "to assist him", the words "to assist the Commissioner" shall be substituted ;

(8) in Section 21A,

(a) for the words "Tribunal, Commissioner" in the two places where they occur, the words, figure and letter "Tribunal or the Commissioner or the Special Commissioner, or the Additional Commissioner appointed under Section 3A" shall be substituted, and

(b) for the words "to assist him" in the two places where they occur, the words "to assist the Commissioner" shall be substituted ;

(9) In Section 26, in sub-section (2), after clause (dd), the following clause shall be inserted :—

"(dd1) such other sales referred to in clause (d) of the proviso to Section

6AA.”;

(10) in Schedule I,—

(a) in item 41, after sub-item (c) and the entry relating thereto in column 1, the following sub-item and entries in column 1 and column 2 shall be added :—

“(d) Khaddar or Khadi as defined in the West Bengal Khadi and Village Industries Board Act, 1959, (West Ben. Act XIV of 1959), made of silk yarn.

Except when sold by a dealer who does not manufacture such goods in his khadi production unit approved or certified by the khadi and village Industries Commission.”;

(b) after item 112 and the entry relating thereto in column 1 the following item and entries in column 1 shall be added :—

“113. Lottery tickets.

114. Fountain pens, ball pens and dot pens.

115. Solar thermal devices.

116. Cardiac pacemaker, heart valve and accessories thereof.”;

(11) in Schedule II, —

(a) serial No. 3 and the corresponding entries under the heading “Description of Goods” shall be omitted ;

(b) for serial No. 12 and the corresponding entries under the heading “Description of goods”, the following serial No. and entries under the heading “Description of goods” shall be substituted : —

“12. Sound transmitting equipments including loudspeakers and spare parts thereof but excluding telephones, spare parts and accessories thereof.”

(c) serial No. 26 and the corresponding entries under the heading “Description of goods” shall be omitted ;

(d) after serial No. 42 and the corresponding entries under the heading “Description of goods”, the following serial Nos. and entries under the heading “Description of goods” shall be added : —

“43. Machines or devices for converting mechanical energy into electrical energy, commonly known as generators, generating sets or gen-sets.

44. Devices for storage and supply of electricity, commonly known as inverters.”

(12) in Schedule IV, after serial No. 12 and the corresponding entries under the heading “Description of goods”, the following serial Nos. and entries under the heading “Description goods” shall be added :—

“13. Refrigerators, spare parts, accessories and components thereof.

14. Telephones, spare parts and accessories thereof.

15. Lifts, whether operated by electricity or steam, and spare parts, accessories and components thereof.”

4. Amendment of Ben. Act IV of 1944.—In the Bengal Agricultural Income tax Act, 1944, in the Schedule, for paragraph B, the following paragraph shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 1991 :—

“B. In the case of every domestic company, firm or other association of persons,—

	Rate
(a) In a case where the total agricultural income does not exceed one lakh rupees	65 paise in the rupee

- | | |
|--|-------------------------|
| (b) In a case where the agricultural income exceeds one lakh rupees but does not exceed five lakh rupees. | 75 paise in the rupee |
| (c) In case where the total agricultural income exceeds five lakh rupees but does not exceed ten lakh rupees | 80 paise in the rupee |
| (d) In a case where the total agricultural income exceeds ten lakh rupees | 83 paise in the rupees" |

5. Amendment of West Ben. Act IV of 1954.—In the West Bengal Sales Tax Act, 1954,

- (1) In section 2, in clause (e),—
 - (a) in sub-clause (i), the word "and" shall be omitted ;
 - (b) in sub-clause (ii), for the word and figure "section 4", the words and figure "section 4, and" shall be substituted ;
 - (c) after sub-clause (ii), the following sub-clause shall be added :—
 - "(iii) the amount, if any, separately charged as additional sales tax payable under section 4B during such period" ;
- (2) in section 3, for sub-section (1), the following sub-sections shall be substituted :—

'(1) For carrying out the purposes of this Act, the State Government shall prescribe an authority (hereinafter referred to as the prescribed authority) and may, by notification in the Official Gazette, appoint any other officer to exercise such of the powers, and perform, such of the duties, of the prescribed authority as may be specified in such notification.

(1A) The prescribed authority may withdraw to himself from the officer appointed under sub-section (1) any case or matter with which such officer is competent to deal in exercise or performance of the powers or duties referred to in sub-section (1)" ;

- (3) after section 4AAAA, the following section shall be inserted :—

4B. Liability to pay additional sales tax.—Every dealer liable to pay tax under sub-section (1) of section 4 shall, in addition to the tax payable by him under that section, section 4AAA or section 23A, pay an additional sales tax at the rate of fifteen per centum of the total amount of tax payable by him for any period under sub-section (1) of section 4 and section 23A.

Provided that no additional sales tax shall be payable under this section by any dealer on that part of the total amount of tax levied under sub-section (1) of section 4 and section 23A which is payable on such turnover as represents—

- (a) sales of goods specified in section 14 of the Central Sales Tax Act, 1956, (74 of 1956) if any, notified under section 25 of this Act ;

(b) such other sales as may be specified by the State Government by notification in the Official Gazette."

- (4) in section 20,

(a) for the words", the prescribed authority or such persons appointed to assist such authority", the words, figures and brackets "or the prescribed authority or the officer appointed under sub-section (1) of section 3 or such persons appointed to assist the prescribed authority" shall be substituted, and

(b) for the words, figures and brackets", the prescribed authority or any person appointed to assist such authority under sub-section (2) of section 3", the words, figures and brackets "or the prescribed authority" or the officer

appointed under sub-section (1) of section 3 or any person appointed to assist the prescribed authority under sub-section (2) of section 3 as may be prescribed under this section" shall be substituted

6. Amendment of West Ben. Act XI of 1974.—In the West Bengal Motor Spirit Sales Tax Act, 1974,

(1) in section 2, in clause (c), for the words "as tax under this Act", the words, figure and letter "as tax under section 4B of this Act" shall be substituted;

(2) after section 4A, the following section shall be added :—

"4B. Liability to pay additional sales tax.—Every dealer liable to pay tax under section 4 shall, in addition to the tax payable by him under that section and section 4A, pay an additional sales tax at the rate of fifteen per centum of the total amount of the tax payable by him under section 4 for every month :

Provided that no additional sales tax shall be payable by any dealer under this section on that part of the total amount of tax charged and levied under section 4 which is payable by him on such turnover of sales as represents—

(a) Kerosene oil, referred to in item 2A as specified in column 1 of the Table appended to sub-section (2) of section 4 ;

(b) Motor spirit, referred to in item 3 as specified in column 1 of the Table appended to sub-section (2) of section 4."

7. Amendment of West Ben. Act VI of 1979. — In the West Bengal State Tax on Professions, Trades, Callings and Employments Act, 1979, in the Schedule.

(a) after serial No. 5 and the entries relating thereto in column 2 and column 3, the following serial No. and entries in column 2 and column 3 respectively shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1991 :

"5A. Stevedores, clearing agents, customs agents, licensed shipping brokers or licensed about suppliers.	900 per annum."
--	-----------------

(b) after serial No. 12 and the entries relating thereto in column 2 and column 3, the following serial No. and entries in column 2 and column 3 respectively shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1991 :

"12A. Owners or lessees of

(a) Beauty parlours	900 per annum
---------------------	---------------

(b) Health resorts or slimming centres	9 0 per annum
--	---------------

(c) Air-conditioned hair-dressing saloons	900 per annum
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(d) Restaurants with arrangement for floor shows	900 per annum."
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8. Amendment of West Ben. Act VI of 1982. In the West Bengal Entertainment-cum-Amusement Tax Act, 1982.

(1) in section 4A, after sub-section (3), the following sub-section shall be added :

"(4) Where a holder of a video cassette recorder set or a holder of a video cassettes player set or a holder of a television set transmits from such set for exhibition of performances, films or any other programmes through Cable television network to customers for payment received or receivable by such

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(2) the wards shall be numbered serially in the directions commencing from south, south-west, north-west, north, north-east, east and south-east :

Provided that, if more than one ward is situated at one direction, then the ward nearest to the boundary of the village in the said direction shall be numbered as first, the ward adjacent to it as second and so on ;

(3) the number of members to be elected from each ward shall not be more than three and less than two ;

(4) where the number of members to be elected to a village panchayat is divisible by the maximum number of members to be elected from a ward under clause (3), then, equal number of members shall be allotted to all the wards of a village ;

(5) if the number of members to be elected to a village panchayat is not divisible by the maximum number of members to be elected from a ward under sub-rule (3), there shall be allotted the maximum number of seats to the required number of wards and the minimum number of seats to the remaining wards :

Provided that, at the time of first election allotment of maximum number of seats shall be from first ward and every subsequent election, till maximum number of seats have been allotted to every ward, from the ward next to the ward from which there was an allotment of maximum number of such seats at the time of preceding election."

3. For rule 4 of the principal rules, the following shall be substituted, namely :

4. Manner of allotment and rotation of seats reserved for women. — Subject to the provisions of clauses (b) and (d) of sub-section (2) of section 10, the seats to be reserved for women shall be allotted and rotated in accordance with the following principles, namely :

(1) where the number of seats to be reserved for women and the number of wards, in which village is divided under rule 3, is same, then, there shall be allotted to women one seats each to every ward ;

(2) where the number of seats to be reserved for women and the number of wards in which village is divided under rule 3 is not the same, then, there shall be allotted one seat each to the required number of ward or wards :

Provided that, at the time of first election, allotment of seats shall be from first ward and at every subsequent election, till such seats have been allotted to every ward, from the ward next to the ward from which such allotment was commenced at the time of the last preceding election :

Provided further that, the seats reserved for women belonging to Scheduled Castes and Scheduled Tribes shall be allotted only among the seats reserved for such Castes or Tribes under rule 4A and such seats shall be rotated only among the wards in which seats have been reserved for such castes or tribes ;

Explanation.— While calculating the said seat fraction of a seat of one-half or more shall be counted as one and fraction of less than one-half shall be discarded."

4. In rule 4A of the principal rules, —

(a) in sub-rule (1), for the words "Scheduled Castes and Schedule Tribes", the words, brackets and figures "Scheduled Castes and Scheduled Tribes including women belonging to Scheduled Castes and Scheduled Tribes as

provided in sub-section (2) of section 10" shall be substituted ;

(b) sub-rule (2) shall be deleted ;

(c) in sub-rules (3) and (4) for the words "Scheduled Castes and Scheduled Tribes", the words, brackets and figures "Scheduled Castes and Scheduled Tribes including women belonging to Scheduled Castes and Scheduled Tribes as provided in sub-section (2) of section 10" shall be substituted ;

(d) in the marginal note, the words "including women" shall be added at the end.

5. In Form 'A' appended to the principal rules, in the Notification, —

(a) in paragraph (d), for the words "Women, Scheduled Castes and Scheduled Tribes" the words "Scheduled Castes, Scheduled Tribes and Women" shall be substituted ;

(b) for the existing Schedule, the following shall be substituted, namely :—

"SCHEDULE"

(Omitted)

Collector of District".

6. In Form 'B' appended to the principal rules, in the Notification, —

(a) in paragraph (d), for the words "Woman Scheduled Castes and Scheduled Tribes", the words "Scheduled Castes, Scheduled Tribes and Women" shall be substituted ;

(b) for the existing Schedule, the following shall be substituted, namely :—

"SCHEDULE"

(Omitted)

Collector of District".

By order and in the name of the Governor of Maharashtra,
S. D. Chitre,

Deputy Secretary to Government.

Published in the Maharashtra Government Gazette, Extraordinary, Part IV (Ka), dated August 12, 1991.

MAHARASHTRA LEGISLATURE SECRETARIAT

No. 35344/HL. (*Vidhan Bhavan, Bombay 400 032, dated the 7th August, 1991*). —The following rules further to amend the Maharashtra Legislature Members' Pension Rules, 1977 which have been made by the Joint Committee constituted under clause (a) of sub-section (1) of section 5 of the Maharashtra Legislature Members' Pension Act, 1976 (Mah. I of 1977), in consultation with the State Government, in exercise of the powers conferred on it by clause (a) of sub-section (2) of the said section 5 and which have been approved and confirmed by the Chairman of the Maharashtra Legislative Council and the Speaker of the Maharashtra Legislative Assembly as required under sub-section (3) of the said section 5, are hereby published for general information :—

RULES

1. Short title and commencement. (1) These rules may be called the Maharashtra Legislature Members' Pension (Amendment) Rules, 1991.

(2) They shall be deemed to have come into force on the 1st day of June 1990.

2. **Amendment of Rule 12.** In rule 12 of the Maharashtra Legislature Members' Pension Rules, 1977 (hereinafter referred to as "the principal rules"), in sub-rule (3), in para (II), for the letters and figures "Rs. 2,500" the letters and figures "Rs. 5,000" shall be substituted.

3. **Amendment of Rule 13.**— In rule 13 of the principal rules, —

(a) in paragraph (2), in the proviso, for the letters and figures "Rs. 500" the letters and figures "1,000" shall be substituted;

(b) in paragraph (3), in sub-para (i) and (ii), for the letters and figures "Rs. 2,500" the letters and figures "Rs. 5,000" shall be substituted.

4. **Insertion of Rule 13-A.**— After rule 13 of the Maharashtra Legislature Members' Pension Rules, 1977 the following rule shall be inserted, namely : —

"13-A. **Family Pension.**—(1) A member shall make a nomination in the form prescribed in Annexure VI, indicating the name of his wife for family pension, which shall be payable to her in accordance with such nomination.

(2) The widow of a deceased member, who is entitled to pension under section 4-A of the Act shall apply in "Pension Application Form" prescribed in Annexure VII. Such application shall be addressed and sent to the Secretary, Maharashtra Legislature Secretariat, Vidhan Bhavan at Bombay or Nagpur, as the case may be.

(3) Where obituary reference is made in the House, in respect of a deceased member, the Secretary, Maharashtra Legislature Secretariat shall address a letter to the widow of such deceased member requesting her to apply for the family pension.

(4) In a case where, valid nomination for grant of family pension does not exist, the Secretary, Maharashtra Legislature Secretariat shall obtain the information from the Collector of the concerned district.

(5) All claims for family pension shall be governed and regulated as per the pension rules applicable to the deceased member."

5. **Amendment of Annexure-I.**— In annexure-I appended to the principal rules, in para 5 of the "Application for pension", sub-paragraphs (iv) and (vi) shall be deleted.

6. **Amendment of Annexure-II.**— In annexure-II appended to the principal rules, paragraph (iv) in the earlier part and paragraph (ii) in the later part of the 'Declaration' shall be deleted.

7. **Addition of Annexures.**— After annexure-V appended to the principal rules, the following annexure shall be added, namely : —

ANNEXURE VI
Form of Nomination for Family Pension
(See Rule 13-A)

I, ... M.L.A./M.L.C. hereby nominate my wife to receive Family Pension in the event of my death.

Name of Wife :

Date of Birth of Wife :

Address :

Dated this day of 19

at

.....
(Signature of Member)

Signature of Witnesses

1.
2.

ANNEXURE VII

Form of application for grant of Family Pension for widow of a deceased member.

[See Rule 13A(2)]

(To be submitted in duplicate with enclosures)

From

Shift

Widow of Late Shri... M.L.A./M.L.C.

To

The Secretary,
Maharashtra Legislature Secretariat,
Vidhan Bhavan,
Bombay 400 032.

Subject: Sanction of Family Pension under
the Maharashtra Legislature
Members' Pension Act, 1976

Sir,

In terms of section 4A of the Maharashtra Legislature Members' Pension Act, 1976: I am entitled to pension as the widow of Late Shri

..... Ex-M.L.A./M.L.C. I, therefore, apply here for grant of pension with the following particulars. Kindly consider my case for grant of Family Pension.

1. Name of Applicant in full
2. Date of Birth
3. Date of death of pensioner (Member)
4. The amount of pension which the pensioner was drawing
5. Full address of applicant
6. Place of payment of pension
7. Enclosures (Specimen of forms are enclosed)

(i) Two specimen signatures of applicant duly attested (to be furnished in duplicate)

(ii) Three copies of passport size photograph of the applicant, duly attested.

(iii) Two slips each bearing left hand thumb and finger impressions* of the applicant, duly attested.

(iv) Descriptive Roll of the applicant, duly attested indicating (a) height and (b) personal marks, if any, on the hand, face etc. (Specify a few conspicuous marks not less than two, if possible) (to be furnished in duplicate).

8. Signature or left hand thumb impression* of the applicant.

9. Attested by -

	Name	Full address	Signature
(i)			
(ii)			
10. Witnesses—			
(i)			

Place:

Dated: the

Signature of Applicant

Note.—Attestation should be done by two Gazetted Government Officers or two or more persons of respectability in the town, taluka or village in which the applicant resides.

*To be furnished in case the applicant is not literate enough to sign his name.

Enclosures.

(I) Specimen Signature Slip.

Specimen Signature of 1.
 2.
 3.

Certified that the above specimen signature was taken in my presence.

Dated: the

Signature.....

Name

Designation

(II) Pensioner's Photograph

Signature of the Pensioner

Certified that the signature and the photograph are those of

Signature.....

Name.....

Designation

Dated: the

(III) The Thumb and Finger Impression Card.

Little Finger Ring Finger Middle Finger Fore Finger Thumb

Certified that the thumb and finger impressions are those of the left hand of

Signature.....

Name.....

Designation

Dated: the

(IV) Descriptive Roll.

(i) Height

(ii) Personal Marks, if any, on the hand, face, etc.

Certified that the above identification marks are those of.....

.....
 Signature.....
 Name.....
 Dated, the..... Designation.....

Published in the Maharashtra Government Gazette, Extraordinary, Part IV (Ba), dated 31st August, 1991.

HOME DEPARTMENT

No. MTA. 1991/12/TRA-3.—(*Mantralaya, Bombay 400 032, dated the 31st August, 1991*).—In exercise of the powers conferred by sub-section (1) of section 3 of the Bombay Motor Vehicles Tax Act, 1958 (Bom. LXV of 1958), and in supersession of Government Notification, Home Department, No. MTA. 1089/3/TRA-3, dated the 1st April, 1989, the Government of Maharashtra hereby directs that on and from the 1st day of September, 1991 there shall be levied and collected on the motor vehicles specified in column (1) of the Schedule hereto, used or kept for use in the State of Maharashtra, a tax at the annual rate specified against each one of them in column (2) thereof.

SCHEDULE

Motor Vehicle (1)	Annual rate of tax (a)
A. Motor Vehicles fitted solely with pneumatic tyres—	Ra.
II. Motor Vehicles not exceeding 250 kgs. in weight unladen adopted and used for invalids.	5
III. Motor vehicles (including tri-cycles) used for carriage of goods or materials—	
(a) Vehicles the registered laden weight which does not exceed 750 kgs.	880
(b) Vehicles the registered laden weight of which exceeds 750 kgs. but does not exceed 1,500 kgs.	1,220
(c) Vehicles the registered laden weight of which exceeds 1,500 kgs. but does not exceed 3,000 kgs.	1,730
(d) Vehicles the registered laden weight of which exceeds 3,000 kgs. but does not exceed 4,500 kgs.	2,070
(e) Vehicles the registered laden weight of which exceeds 4,500 kgs. but does not exceed 6,000.	2,910
(f) Vehicles the registered laden weight of which exceeds 6,000 kgs. but does not exceed 7,500 kgs.	3,450
(g) Vehicles the registered laden weight of which exceeds 7,500 kgs. but does not exceed 9,000 kgs.	4,180
(h) Vehicles the registered laden weight of which exceeds 9,000 kgs. but does not exceed 10,500 kgs.	4,940
(i) Vehicles the registered laden weight of which exceed 10,500 kgs. but does not exceed 12,000 kgs.	5,960

(1)	(2)
	Rs.
(j) Vehicles the registered laden weight of which exceeds 12,000 kgs. but does not exceed 13,500 kgs.	6,780
(k) Vehicles the registered laden weight of which exceeds 13,500 kgs. but does not exceed 15,000 kgs.	7,650
(l) Vehicles the registered laden weight of which exceeds 15,000 kgs. but does not exceed 16,500 kgs.	8,510
(m) Vehicles the registered laden weight of which exceeds 16,500 kgs.	The rates specified in (1) above plus Rs. 375 for every 500 kgs. or part thereof in excess of 16,500 kgs.:

Provided that, where a tax on motor vehicles is levied by any local authority, the rates for motor vehicles registered for use solely within the limits of such local authority shall be two-thirds of the aforesaid rates.

IV. (1) Motor vehicles (including tricycles) plying for hire and used for the carriage of passengers :—

(a) Vehicles licensed to carry two passengers	120
(b) Vehicles licensed to carry three passengers	180
(c) Vehicles licensed to carry four passengers	240
(d) Vehicles licensed to carry five passengers	295
(e) Vehicles licensed to carry six passengers	350

Provided that, where a tax on motor vehicles is levied by any local authority, the rates for motor vehicle registered for use within the time limits of such local authority shall be two-thirds of the aforesaid annual rates :

Provided further that, the rate for motor vehicles not required to be fitted with taximeters (tourist taxis) shall be fifty per cent more than the rate specified for the corresponding class of vehicles.

Explanation.—Where not more than two children below the age of twelve years are permitted to be carried in a motor vehicle in addition to the number of passengers which the vehicle is licensed to carry, the child or children so carried shall not be reckoned as passengers ;

(2) Motor Vehicles plying for hire and used as a stage carriage for the carriage of passengers, for every passenger permitted to carry : 71

Provided that where a tax on motor vehicles is levied by any local authority the rates for motor vehicles registered for use within the limits of such local authority shall be two-thirds of the aforesaid rates.

Explanation. Where not more than 2 children below the age of 12 years are permitted to be carried in a motor vehicle in addition to the number of passengers which the vehicle is permitted to carry, the child or children so carried shall not be reckoned as passengers.

(3) Motor vehicles plying for hire or reward used for transport of passengers in respect of which contract carriage permits have been issued under the Motor

(1)	(2)
Vehicles Act, 1988 (59 of 1988) and permitted to carry more than 6 passengers, excluding the driver, for every passenger that the vehicle is permitted to carry—	Rs.
Ordinary omnibuses :—	
(a) Ordinary omnibuses, permitted to carry more than six passengers excluding driver, for every passenger.	750
Tourist Vehicles—	
(b) Tourist Vehicles permitted to carry more than six passengers, excluding driver, for every passenger.	3,000
Air-conditioned Vehicles—	
(c) Air-conditioned vehicles permitted to carry more than six passengers excluding driver, for every passenger.	4,000
(4) The motor vehicles, other than those mentioned in item (3) plying for hire or reward and used for transport of passengers, in respect of which special permits have been issued under sub-section (8) of section 88 of the Motor Vehicles Act, 1988 and permitted to carry more than six passengers, excluding driver, for every passenger—	
(a) for ordinary omnibuses having seating arrangement as prescribed under rule 128 of the Central Motor Vehicles Rules, 1989, including superior type of seating arrangements than those provided under the said rule 128 :	3,000
(b) for any other ordinary omnibuses not covered under (a) above.	2,500
IV-A. Private service vehicles—	
(a) Air-conditioned private service vehicles, for every person which the vehicle is permitted to carry.	700
(b) Other than air-conditioned private service vehicles :—	
(i) for every person which the vehicle is permitted to carry.	400
(ii) for every person other than seated person which the vehicle is permitted to carry.	200
Provided that where a tax on motor vehicles is levied by any local authority the rates for motor vehicles registered for use within the limits of such local authority shall be two-thirds of the aforesaid annual rates.	
V. Break-down vans used for towing disabled vehicles.	330
VI. (1) Tractors whether or not fitted with any equipment described in (2) below ; and	Rs.
(2) any motor vehicles, which are not intended to carry passengers, goods or other load, and which are fitted with any equipments such as cranes, compressors or projectors, and are used for any special services or purposes :—	
(a) Vehicles not exceeding 750 kgs. in weight.	200

(1)	(2)
unladen.	Rs.
(b) Vehicles exceeding 750 kgs. but not exceeding 1,500 kgs. in weight, unladen.	300
(c) Vehicles exceeding 1,500 kgs. but not exceeding 2,250 kgs. in weight, unladen.	400
(d) Vehicles exceeding 2,250 kgs. in weight, unladen.	The rate specified in (c) above plus Rs. 200 for every 500 kgs. or part thereof in excess of 2,250 kgs.

VII. Motor vehicles other than those liable to tax under the foregoing provisions of the Schedule or the Third Schedule—

(a) Vehicles not exceeding 750 kgs. in weight, unladen.	360
(b) Vehicles exceeding 750 kgs. but not exceeding 1,500 kgs. in weight, unladen.	480
(c) Vehicles exceeding 1,500 kgs. but not exceeding 2,250 kgs. in weight, unladen.	560
(d) Vehicles exceeding 2,250 kgs. in weight, unladen, permitted to carry six or less number of persons, excluding driver.	600
(e) Vehicles exceeding 2,250 kgs. in weight, unladen—	
(i) permitted to carry more than six persons, but not exceeding twelve persons, excluding the driver, for every person.	100
(ii) permitted to carry more than twelve persons, excluding driver, for every person.	300

VIII. Trailers drawn by motor vehicles—

(a) When a trailer is used for the carriage of goods—	
(i) Vehicles the registered laden weight of which does not exceed 750 kgs.	860
(ii) Vehicles the registered laden weight of which exceed 750 kgs. but does not exceed 1,500 kgs.	1,200
(iii) Vehicles the registered laden weight of which exceed 1,500 kgs. but does not exceed 3,000 kgs.	1,700
(iv) Vehicles the registered laden weight of which exceeds 3,000 kgs. but does not exceed 4,500 kgs.	2,020
(v) Vehicles the registered laden weight of which exceeds 4,500 kgs. but does not exceed 6,000 kgs.	2,850

(1)	(2)
	Rs.
(vi) Vehicles the registered laden weight of which exceeds 6,000 kgs. but does not exceed 7,500 kgs.	3,360
(vii) Vehicles the registered laden weight of which exceeds 7,500 kgs. but does not exceed 9,000 kgs.	4,070
(viii) Vehicles the registered laden weight of which exceeds 9,000 kgs. but does not exceed 10,500 kgs.	4,780
(ix) Vehicles the registered laden weight of which exceeds 10,500 kgs. but does not exceed 12,000 kgs.	5,760
(x) Vehicles the registered laden weight of which exceeds 12,000 kgs. but does not exceed 13,500 kgs.	6,540
(xi) Vehicles the registered laden weight of which exceeds 13,500 kgs. but does not exceed 15,000 kgs.	7,380
(xii) Vehicles the registered laden weight of which exceeds 15,000 kgs. but does not exceed 16,500 kgs.	8,330
(xiii) Vehicles the registered laden weight of which exceeds 16,500 kgs.	The rates specified in (xii) above plus Rs. 375 for every 500 kgs. or part thereof in excess of 16,500 kgs.

Provided that, where tax on motor vehicles is levied by any local authority the rates for motor vehicles registered for use solely within the limits of such local authority shall be two-thirds of the aforesaid annual rates.

(b) When a trailer is used for the carriage of passengers. The rates specified in sub-clauses IV and IV-A above in respect of motor vehicles plying for hire and used for the carriage of passengers.

(c) When a trailer is used for any other purpose. Rs. 40
Motor Vehicles other than those fitted solely with pneumatic tyres. The rate shown in clause A plus 50 per centum.

Dealers in, or manufacturers of motor vehicles —
For a general licence, in respect of each motor vehicle. Rs. 200

HOME DEPARTMENT

No MTA. 1991/12 (I)-TRA-3. —(Mantralaya, Bombay 400 032, dated the 31st August, 1991). —In exercise of the powers conferred by sub-section (2) of section 13 of Bombay Motor Vehicles Tax Act, 1958 (Bom. LXV of 1958) the Government of Maharashtra, hereby with effect from the 1st day of September 1991, exempts partially, from the tax levied under the said Act, the motor vehicles covered under special permits issued under sub-section (8)

of section 88 of Motor Vehicles Act, 1988 (59 of 1988) for the period specified in column (2) of the Schedule hereto, to the extent specified in column (3) thereof.

SCHEDULE

Serial No.	Period of special permit	Tax to be exempted
(1)	(2)	(3)
1	1 day	89/90th of the amount of tax quarterly leviable.
2	2 days	88/90th of the amount of tax quarterly leviable.
3	3 days	87/90th of the amount of tax quarterly leviable.
4	4 days	86/90th of the amount of tax quarterly leviable.
5	5 days	85/90th of the amount of tax quarterly leviable.
6	6 days	84/90th of the amount of tax quarterly leviable.
7	7 days	83/90th of the amount of tax quarterly leviable.
8	8 days	82/90th of the amount of tax quarterly leviable.
9	9 days	81/90th of the amount of tax quarterly leviable.
10	10 days	80/90th of the amount of tax quarterly leviable.
11	11 days	79/90th of the amount of tax quarterly leviable.
12	12 days	78/90th of the amount of tax quarterly leviable.
13	13 days	77/90th of the amount of tax quarterly leviable.
14	14 days	76/90th of the amount of tax quarterly leviable.
15	15 days	75/90th of the amount of tax quarterly leviable.
16	16 days	74/90th of the amount of tax quarterly leviable.
17	17 days	73/90th of the amount of tax quarterly leviable.
18	18 days	72/90th of the amount of tax quarterly leviable.
19	19 days	71/90th of the amount of tax quarterly leviable.
20	20 days	70/90th of the amount of tax quarterly leviable.
21	21 days	69/90th of the amount of tax quarterly leviable.
22	22 days	68/90th of the amount of tax quarterly leviable.
23	23 days	67/90th of the amount of tax quarterly leviable.
24	24 days	66/90th of the amount of tax quarterly leviable.
25	25 days	65/90th of the amount of tax quarterly leviable.
26	26 days	64/90th of the amount of tax quarterly leviable.
27	27 days	63/90th of the amount of tax quarterly leviable.
28	28 days	62/90th of the amount of tax quarterly leviable.
29	29 days	61/90th of the amount of tax quarterly leviable.
30	30 days	60/90th of the amount of tax quarterly leviable.
31	31 days	59/90th of the amount of tax quarterly leviable.
32	32 days	58/90th of the amount of tax quarterly leviable.
33	33 days	57/90th of the amount of tax quarterly leviable.
34	34 days	56/90th of the amount of tax quarterly leviable.
35	35 days	55/90th of the amount of tax quarterly leviable.
36	36 days	54/90th of the amount of tax quarterly leviable.
37	37 days	53/90th of the amount of tax quarterly leviable.
38	38 days	52/90th of the amount of tax quarterly leviable.
39	39 days	51/90th of the amount of tax quarterly leviable.

(1)	(2)	(4)
40	40 days	50/90th of the amount of tax quarterly leviable.
41	41 days	49/90th of the amount of tax quarterly leviable.
42	42 days	48/90th of the amount of tax quarterly leviable.
43	43 days	47/90th of the amount of tax quarterly leviable.
44	44 days	46/90th of the amount of tax quarterly leviable.
45	45 days	45/90th of the amount of tax quarterly leviable.
46	46 days	44/90th of the amount of tax quarterly leviable.
47	47 days	43/90th of the amount of tax quarterly leviable.
48	48 days	42/90th of the amount of tax quarterly leviable.
49	49 days	41/90th of the amount of tax quarterly leviable.
50	50 days	40/90th of the amount of tax quarterly leviable.
51	51 days	39/90th of the amount of tax quarterly leviable.
52	52 days	38/90th of the amount of tax quarterly leviable.
53	53 days	37/90th of the amount of tax quarterly leviable.
54	54 days	36/90th of the amount of tax quarterly leviable.
55	55 days	35/90th of the amount of tax quarterly leviable.
56	56 days	34/90th of the amount of tax quarterly leviable.
57	57 days	33/90th of the amount of tax quarterly leviable.
58	58 days	32/90th of the amount of tax quarterly leviable.
59	59 days	31/90th of the amount of tax quarterly leviable.
60	60 days	30/90th of the amount of tax quarterly leviable.
61	61 days	29/90th of the amount of tax quarterly leviable.
62	62 days	28/90th of the amount of tax quarterly leviable.
63	63 days	27/90th of the amount of tax quarterly leviable.
64	64 days	26/90th of the amount of tax quarterly leviable.
65	65 days	25/90th of the amount of tax quarterly leviable.
66	66 days	24/90th of the amount of tax quarterly leviable.
67	67 days	23/90th of the amount of tax quarterly leviable.
68	68 days	22/90th of the amount of tax quarterly leviable.
69	69 days	21/90th of the amount of tax quarterly leviable.
70	70 days	20/90th of the amount of tax quarterly leviable.
71	71 days	19/90th of the amount of tax quarterly leviable.
72	72 days	18/90th of the amount of tax quarterly leviable.
73	73 days	17/90th of the amount of tax quarterly leviable.
74	74 days	16/90th of the amount of tax quarterly leviable.
75	75 days	15/90th of the amount of tax quarterly leviable.
76	76 days	14/90th of the amount of tax quarterly leviable.
77	77 days	13/90th of the amount of tax quarterly leviable.
78	78 days	12/90th of the amount of tax quarterly leviable.
79	79 days	11/90th of the amount of tax quarterly leviable.
80	80 days	10/90th of the amount of tax quarterly leviable.
81	81 days	9/90th of the amount of tax quarterly leviable.
82	82 days	8/90th of the amount of tax quarterly leviable.
83	83 days	7/90th of the amount of tax quarterly leviable.
84	84 days	6/90th of the amount of tax quarterly leviable.
85	85 days	5/90th of the amount of tax quarterly leviable.

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